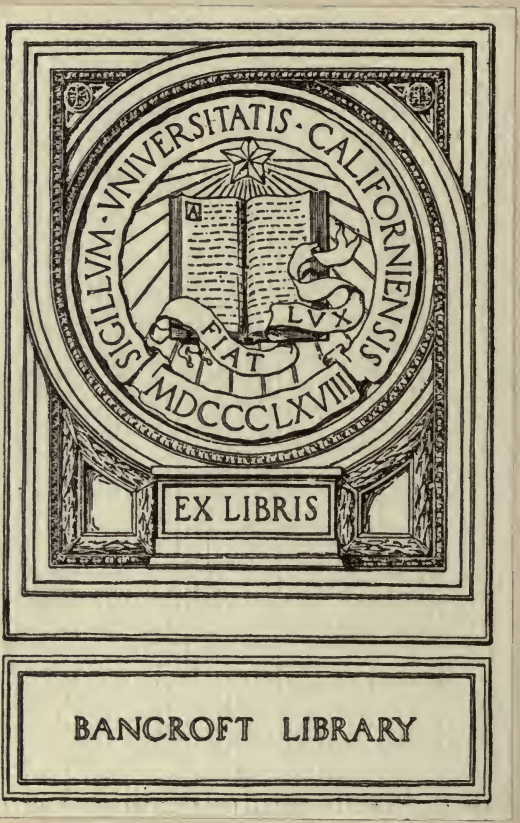
CARRANZA

AND

HIS BOLSHEVIK REGIME

By

JORGE VERA ESTAÑOL



BANCROFT LIBRARY

Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation

http://www.archive.org/details/carranzahisbolsh00veran

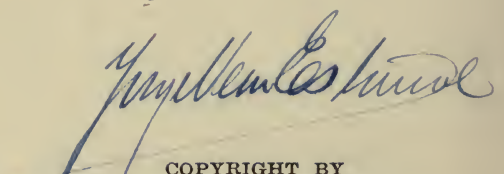
Carranza and His Bolshevik Regime

By

JORGE VERA-ESTAÑOL

Former Secretary of the Interior and
Former Secretary of Public Education
of the Republic of Mexico

Wayside Press
Los Angeles, Cal.
1920



COPYRIGHT BY
JORGE VERA-ESTAÑOL
FORMER SECRETARY OF THE INTERIOR AND
FORMER SECRETARY OF PUBLIC EDUCATION
OF THE REPUBLIC OF MEXICO

TO MY COUNTRYMEN

During the year 1919 I published in "Revista Mexicana," a weekly periodical of San Antonio, Texas, a series of seventeen articles designed to show that the Mexican constitution which was adopted at Queretaro in 1917, and which is still in force, is spurious in origin and that such of its articles as effected any changes of serious import in the provisions of the constitution of 1857 were in direct conflict with the principles of equity and the demands of national welfare.

At the time when the aforementioned articles were written, the government of Venustiano Carranza had been in existence more than two years and during this period it had not succeeded in restoring order in Mexico nor in establishing truly cordial relations with three of the largest world powers, the United States, France and England. Lacking a proper foundation or any real support, either within or without the bounds of its own country, the Carranza

government was enabled to exist only by the maintenance of an army of 100,000 men and the further fact that the neutrality laws of the United States operated to prevent the arming of the nation against its rulers.

The defection of a single state was all that was necessary to cause practically all of the generals of Carranza's army to turn upon him one after another and to bring about the dissolution of the government in the short space of thirty days.

And now we are concerned with the question: "Were the Carranza policies repudiated simultaneously with his downfall?" Those at the head of the federal and state governments are the same men who battled with Carranza in 1913, who styled him "First Chief," who elected him president, who drew up the constitution of 1917, and kept him in power for three consecutive years.

But despite the identity of these men their attitude of today contrasts favorably with that of yesterday. No property has been confiscated, no churches have been profaned, no revenges have been exacted and no wholesale executions have taken place. Instead of the passionate outbursts inspired by hatred or cupidity that characterized the Carranza

revolution of 1913 there fall today from the lips of its most conspicuous leaders words imbued with a spirit of moderation and a desire to conciliate. It appears to be their purpose to give guarantees of safety to political refugees that they may return to their country to collaborate in the work of reconstruction through the exercise of constitutional rights rather than by the grace of humiliating permits. And it has also been made known that property illegally seized by officials of the Carranza government will be restored to its owners.

And what is more, many revolutionists of the Carranza regime, since the heat of the passions which inspired the mistakes of 1917 has cooled, recognize the faults of the constitution of Queretaro and the injustices which it embodies and admit the desirability of the repeal of a considerable number of its provisions and the restoration of corresponding ones in the constitution of 1857.

Under such circumstances no effort should be spared to legalize the constitution of 1917 by a revision of the document in the manner prescribed by the constitution of 1857 and reincorporated in the former, at the same time writing into it such amendments as the

present and future needs of the country appear to demand along political, social and economic lines, while eliminating all those precepts which are recognized obstacles in the way of individual freedom, national welfare and international harmony.

It is my wish to contribute my grain of sand toward this constructive program, for the opportunity at hand may, perhaps, be the last which will be allowed to Mexicans to accomplish, without aid or interference, the regeneration of their country. In the hope of stimulating deeper and more conscientious study of the subject I have decided to publish, in this form, the series of articles to which I have referred above. I beg my countrymen to read the articles in the same unbiased frame of mind in which they were written.

Los Angeles, Cal., May 18, 1920.

JORGE VERA-ESTAÑOL

CONTENTS

PAGE

CHAPTER I.—The Mexican constitution of 1917 is illegitimate, viewed from a legal, political or revolutionary standpoint 3

CHAPTER II.—The Assembly of Queretaro, which approved the constitution of 1917, did not represent the will of the entire nation but merely that of an armed minority of the proletariat. . . . 13

CHAPTER III.—Religious freedom is necessary to peace of conscience. The constitution of 1917 denies this freedom 23

CHAPTER IV.—No other problem in Mexico transcends that which involves the education of the masses. Recognizing this, the constitution of 1857 stipulated that education should be free. 33

CHAPTER V.—The constitution of 1917 places odious restrictions upon educational freedom. It also places impediments in the way of carrying out any national educational program which the federal government may undertake. 42

CHAPTER VI.—Considerations of humanity and the precepts of social economy demand that labor be dignified. In this respect the constitution of 1917 is progressive, though it reaches certain extremes which are incompat-

PAGE

ible with a desire to guarantee security for invested capital. 55

CHAPTER VII.—The Constitution of 1917 very properly confers upon the State the power to exercise due vigilance for the preservation and conservation of natural elements; but Carranza has endeavored to utilize this prerogative to the extent of socializing industries of a private nature. 64

CHAPTER VIII.—The military caste appropriates two-thirds of the nation's revenue while the school-teachers go hungry. 84

CHAPTER IX.—Under the provisions of the constitution of 1857 private property could be expropriated only upon the payment in cash of a sum covering its actual value. Under the terms of the constitution of 1917, expropriation becomes nothing more than spoliation, since no advance cash payment is required and the indemnity allowed covers only a portion of the actual value of the property. . . . 96

CHAPTER X.—The laws enacted by the Federal Congress since 1884 and prior to the year 1917 have vested in the owners of the surface soil the deposits of petroleum, coal and other mineral fuels contained therein. The consti-

PAGE

tution of 1917 despoils these owners of their previously granted rights. . . 106

CHAPTER XI.—The constitution of 1917 withholds forty per cent of the soil from foreign investors and also prevents stock-holders of mercantile corporations from lending their powerful aid to agricultural enterprises. . . 122

CHAPTER XII. The constitution of 1917 imprudently confers upon the executive powers of the nation and of the states the discretionary power of determining, in every instance, the landed areas which may be owned by stock corporations engaged in non-agricultural enterprises. 129

CHAPTER XIII.—The so-called agrarian problem in Mexico is not one which involves the land. It is concerned with matters having to do with irrigation, investment problems, rural banking institutions and the organization of an autonomous agricultural class. The constitution of 1917, instead of providing guarantees to property and facilitating colonization, fails to recognize the efficacy of patent titles or the force of res adjudicata and the prescription in questions pertaining to rural property and at the same time injuriously restricts the land-holding capacity of foreigners. 137

PAGE

CHAPTER XIV.—Commendable safeguards against illegal manipulation by capital are provided by for the constitution framed at Queretaro but, here again, iniquitious extremes are reached, for exemptions necessary for the stimulation of new industries are denied and the spoliation of the banks, authorized by Carranza, is legalized. 171

CHAPTER XV.—The electoral prerogative should be limited to properly qualified voters. The constitution of 1917 timidly undertakes to restrict suffrage but does not guarantee, satisfactorily, the freedom of the press. . 195

CHAPTER XVI.—The constitution of 1917 restricts the powers of the Federal Congress, while, on the other hand, it increases the political, co-legislative and even the judicial prerogatives of the Chief Executive. As a matter of fact, it makes dictatorship constitutional. 210

CHAPTER XVII.—Carrancism and the constitution of 1917 are the most effective proof of the failure of President Wilson's attitude toward the Mexican question. Further pursuance of similar foreign policies would inevitably lead to similar results. 225

CARRANZA AND HIS BOLSHEVIK REGIME

CHAPTER I

The Federal Congress of Mexico, composed of the Chamber of Senators and the Chamber of Deputies, was the only legitimate body authorized by the Constitution of 1857 to revise and amend that Constitution. To accomplish this the action of a two-thirds majority of said body, followed by the ratification of a majority of the State Legislatures, was necessary.

Nevertheless, Carranza called together a special assembly which met in Queretaro, the sole object of which assembly was to approve the fundamental code which is in force today in Mexico.

Carranza foresaw since his first decree of September 19th, 1916, that the nation—or, to use his own term, the "reactionaries"—would not fail to protest against the bastardity of the Constitution's origin. He, therefore

at once attempted to justify himself by advancing the argument that the revolution of Ayutla, which overthrew the tyranny of Santa Anna, had also convened a Constituent Congress and sanctioned a fundamental code without abiding by the regulations of the Constitution of 1824.

What ignorance, or shall we say duplicity, did he display in citing this precedent!

According to the wording of the "Plan de Ayutla"—amended at Acapulco—"Those of its good sons who launched forth to vindicate their rights so scandalously trampled upon, cherished not even the vaguest idea of imposing conditions upon the sovereign will of the nation, either re-establishing by force of arms the federal system or restoring things to the same state in which they were at the time of the 'Plan de Jalisco': for, all those things relating to the form under which the nation must definitely establish itself *must be submitted to the Congress which shall be called to that end; thus is it made known publicly and explicitly even now.*"

Consistent with this program, the fifth clause of the above mentioned plan promised the nation that "fifteen days after the president 'ad interim' undertakes his new duties, he

shall convene a special congress in conformity with the provisions of the law enacted for that purpose on the 16th of December, 1841, which shall devote itself exclusively to the work of organizing the nation as a popular representative republic and investigating the acts of the present government, and those of the provisional executive, which are treated of in Article 2. This constituent congress is to meet four months after its convocation."

Thus we see that the Revolution of Ayutla did not offer to restore to the nation a former constitutional system, but rather to convene a constituent assemblage, the form of which had been previously agreed upon, with the object of drawing up a representative, republican and popular constitution.

This was the explicit pledge of the Revolution of Ayutla and it was carried out to the very letter. Nor did the leaders of that revolution deceive the people with the intention of dragging them into armed strife, nor did they defraud them after victory was obtained.

The revolution of Carranza proceeded along entirely different lines.

From its very origin, it proclaimed itself "the restorer of the constitutional system,

which, it declared, had been violated with the overthrow of Madero. This system was established by the Constitution of 1857. Even though in the course of its development, the revolution of Carranza was obliged to proclaim the necessity of political, economic and social reforms, nevertheless it did not renounce, at least publicly, its originally declared purpose. In addition to the fact that it assumed the deceiving name of "Constitutionalism," there are numberless documents in which it pledged itself expressly or by implication to support the Constitution of 1857, with the amendments so loudly advocated appended.

It is unnecessary, in order to prove the foregoing statements, to quote the official and confidential messages transmitted by Carranza agents to the United States Government. Suffice it to say that Carranza's manifesto to the Nation, issued on June 11th, 1915, to which I shall refer later on, was the outcome of pledges made in Washington during the course of negotiations relative to the recognition of the *de facto* government. Proof of this fact was furnished by Richard H. Cole, one of Carranza's confidential emissaries, who made public the following telegram sent to

him in care of the Mexican Embassy at Washington by Carranza on the 23rd of May, 1915: "Received your courteous message. The proclamation will be issued in due time."

It will suffice also to quote the following statements published by the American press, with reference to the Mexican-American conference held in New London on the 12th of September, 1916: "The Mexican Deputies expect that the election of the *Congress which will formulate and submit the new Constitution to the various state legislatures* will be simultaneous with the local elections." Like all reports given out by the press at that time, this report was published after being passed by these same deputies and therefore, there can be no doubt as to its authenticity. This report shows, unquestionably, that in the opinion of the official representatives of the *de facto Carranza government* the approval of Congress, that is, the Senate and the Chamber of Deputies, and of the State Legislatures was necessary in order to sanction any changes in the constitution.

But I must speak, not exactly of the diplomatic pledges made by Carranza, but rather of those which he gave to the Mexican people. These were numerous and explicit.

Article 2 of the decree of February 19th, 1913, issued by the Legislature of the State of Coahuila, as the *initial act* of the Carrancista insurrection, authorizes the Executive of said State "to arm forces in order to co-operate *in sustaining the constitutional system of the Republic.*" This constitutional system of the Republic was precisely that of the Constitution of 1857.

The circular issued on the same day by Carranza in which he "urges co-operation in the legitimist movement" affirms that "it is the duty of the general Congress to meet for the purpose of calling at once a special election as provided in Article 81 of our Magna Charta." Our Magna Charta was of course the Constitution of 1857. And the same circular adds that "the Government of the State finds itself obliged to hoist the flag of legality in order to uphold the constitutional government which grew out of the last election." That government to which Carranza referred could be none other than the one established in pursuance with the provisions of the Constitution of 1857.

In the "Plan de Guadalupe" of the 26th of March, 1913, not one word is said regarding

the reconstruction of the Nation under a new constitution. On the contrary, in order to justify its stipulations, it states that the "Legislative body and the Judiciary have recognized and supported General Victoriano Huerta contrary to the constitutional laws and precepts." The said constitutional precepts were those of the Constitution of 1857.

The decree modifying the "Plan de Guadalupe" issued on the 12th of December, 1914, asserted that the "constitutional order of things" (originating from the Constitution of 1857) "had been interrupted" as a result of the events which took place on the 19th of February, 1913; and as the "Constitutional Governor of Coahuila had solemnly sworn to uphold and cause to be upheld the general Constitution," which was none other than that of 1857, "he was bound to take up arms in order to re-establish the constitutional system in the Mexican Republic," that is, the Constitution of 1857. And, therefore, "at the triumph of the revolution . . . the First Chief . . . shall issue the call for election of the Congress of the Union," and "shall submit to it the reforms proclaimed and put in force during the strife so that the Congress may ratify, amend, or

supplement them and may constitutionalize such amendments as may be necessary before the constitutional order of things can be re-established." Such Congress of the Union could be no other than the Senate and the Chamber of Deputies established in conformity with the *Fundamental Code of 1857*.

Even more explicit is the manifesto which Carranza himself issued to the Nation on the 11th of June, 1915, in order to secure recognition as a *de facto* government according to his telegram to Richard H. Cole, quoted above, since the following unmistakable statements can be read in said manifesto: "As Governor of the State of Coahuila and in obedience to the Constitutional mandates, articles 121 and 128 of our fundamental Code,"—that of 1857—"I then assumed the representation of our Republic under the terms in which such right is vested in me by the same Constitution"—that of 1857. Not satisfied with simply mentioning these articles, the First Chief made the following exact quotation from them: "Every public official, without any exception, before assuming his duties, shall take solemn oath to *uphold this Constitution*"—that of 1857—"and all laws emanating therefrom." "This Constitution shall not lose its force

and vigor even though its observance be interrupted by a rebellion. In case that by any public disturbance a government contrary to the principles which it sanctions is established, its force shall be restored as soon as the people regain their liberty."

Carranza, therefore, very definitely supported the revolution against the government of Huerta upon the precepts of the *Constitution of 1857;* he called the people to armed strife under that flag; he promised *to re-establish the Constitution of 1857*, and explicitly acknowledged, furthermore, that inasmuch as this Constitution could not lose its force and vigor, under any circumstance the Nation, immediately upon regaining its liberty, would revert to the observance of this same *Constitution of 1857*.

Now then, this Constitution contains the following provision:

"Article 127. The present Constitution may be amended. No amendment shall become part of the Constitution, if not agreed upon by the Congress of the Union, by a vote of two-thirds of the members present, and approved by a majority of the Legislatures of the States."

We see, therefore, that regarded in all three aspects—legal, political and revolutionary—the

Assembly of Queretaro was the bastard offspring of a *coup d'etat*, and its work—the Constitution of 1917—also illegitimate, is inevitably condemned to disappear when "*the people regain their liberty*" as stipulated in Article 128 of the Magna Charta of 1857 quoted by Carranza in his manifesto of the 11th of June, 1915.

CHAPTER II

Inasmuch as the Constitution of 1857 provides for its own amendment, and also specifies the legal proceedings to be followed in organizing the administration, why, instead of convoking an illegitimate constituent assembly, did not Carranza immediately call elections for a Federal Congress and President of the Republic at the same time, and compel the military governors of the States to do likewise so as to restore state authorities as well?

Why did he not wait for the Federal Congress and the State Legislatures to be convened in order to submit the constitutional amendments which the revolution had proposed?

The answer is simple.

If the laws of the Magna Charta of 1857 had been honestly observed, all social classes would have participated in the general elections. It would have been impossible to withhold the suffrage either from the Villista faction, which disagreed with the Carrancistas, or from the agrarian faction, represented by Zapata and his followers, or from the scattered

adherents of the old régime, or, in general, from all the passive or orderly classes capable, on account of their education, of comprehending the importance of the moment.

But such participation of all the social classes in the coming election augured with absolute certainty the defeat of the ruling faction and its elimination from power.

As a matter of fact, the Carrancista faction was composed of a small percentage of the proletariat. With one or two exceptions, those in its ranks acting as advisers were unsuccessful and embittered professional men, underpaid primary school teachers, mainly from the rural districts, untrained students, and journalists. The officers and heads of the revolutionary army had been recruited from the ranks of foremen, muleteers, policemen, clerks, milkmen, and included also quite a number of drudges, farm hands, peons, and jail-birds.

Such was the group of men which had seized the government by violence, which had confiscated both individual and public property, which had so easily enriched itself with the proceeds of confiscation, levies, and spoliation concomitant with and following the military campaign. Having obtained

victory, they naturally were determined to enjoy the spoils, for they considered that the Nation had become their patrimony.

They knew full well that in a free political contest they would be eliminated, not only because of their ignorance and their antecedents, but also because they represented a scanty minority.

One of the foremost members of this group, Machorro Narvaez, speaking before the Constituent Congress, said: "*The present revolution is not as yet popular in Mexico. The greater part of the Mexican people are still against the revolution;* the higher class, part of the middle and the old intellectual element are against the revolution, as well as the laboring class of a certain rank; clerks and office employees who constitute mainly the middle class are also against the revolution. *We are still in the minority.*" (Diario de los Debates, Vol. II, page 71).

The ignorance of this revolutionary caste is well known to all, and recognized even by the very mouthpieces of the Carrancista faction.

Bojorquez, another of the members of the Constituent Congress, made this statement: "I can say, and many of my fellow congressmen can say with me, that we do not only lack

that preparation"—in financial affairs—"but also all preparation in constitutional and all other laws; we decide these momentous questions after hearing the pros and cons"—sometimes without even hearing them—"because when we vote we are led more by *our revolutionary instinct* than by our understanding . . . " (Diario de los Debates, Vol. II, page 367).

And as a sample of the boasted *revolutionary instinct*, as well as of the ignorance of the leaders, let us hear what one of the pillars of the Carrancista party, General Nafarrete, also a member of the Constituent Congress, in discussing the article referring to the freedom of education says: *"As to the explanatory part which treats of individual guarantees, which declares that Mexico is free because it states that Mexico is released from the restriction of those rights which the people declare of its sovereign and free initiative, I believe that it is the representative share of the Executive of the Union in order to state its policy, who is the only one that can occupy that tribune and tell us: 'I deem it necessary, in order to sustain this contro-

(1)—I offer a literal translation of a part of General Nafarrete's speech which is as unintelligible in Spanish as it is in English.—Author's Note.

versy, to suppress these guarantees,' and not come, gentlemen, to invade the office of the First Magistrate of the Nation so to speak in a manner particular to the ideas. Ideas are sacrifices, gentlemen, as we soldiers sacrifice ourselves. I am willing to justify that the congressmen are invading the office of the First Chief, of the First Magistrate of the Nation, who is the only one who can ask the legislative power whether the suppression of guarantees is to be conceded in whole or in part, for we are in the explanatory session in which we say that man is free. I ask, sir, that my speech may be meditated upon, because the honor of the home is being invaded." (Textual). (Diario de los Debates, Vol. I, page 470).

Thus spoke and thought not the *elect* of the people, but the *select* of the triumphant faction!

But if on the one hand this faction, ignorant and in a minority, could expect nothing from a free vote of the people, on the other hand it could rely upon might to keep itself in power. Inasmuch as the Constitution of 1857 was an obstruction to this end, it was necessary to give it a death blow; and inasmuch as the banner of the Constitution was also an obstruction, it was necessary to tear it to pieces.

As a result, the proletariat in arms assumed the exclusive right of citizenship, declared itself the proprietor of the Nation and the arbiter of its destiny.

The heads of the military caste joined in what they called the "Liberal Constitutionalist Party," pledged themselves to support the candidacy of Carranza for the Presidency of the Republic and that of the members of this same caste or its followers for the Constituent Assembly.

The lists of congressmen were drawn up by the military chiefs and revised and arranged by their agent, the Secretary of the Department of the Interior; the congressmen were elected at the polls under the armed pressure of the local military posts and of the military governors of the States in an atmosphere of death and oppression. If here and there a congressman—for example those who had belonged to the "Partido Renovador" of the 26th Legislature, during the administration of Madero—succeeded in entering the Constituent Congress, it was through the special efforts of Carranza, and in absolute opposition to the head of the military caste, General Alvaro Obregon, who went so far as to request Congress to reject the credentials of the "Renovadores."

"I come to point out to this Assembly"—said Candido Aguilar, son-in-law-to-be of Carranza—"that it is becoming a victim of ministerial intrigue. I come to tell the truth even though General Obregon and Mr. Acuña (Secretary of the Interior) are my friends. The intrigue against Mr. Palavicini—one of the 'Renovadores'—has been hatched by Mr. Acuña and General Obregon, and though you are all aware of the intrigue, only few of you have the moral courage to oppose it; you always oppose the downfallen. That intrigue, gentlemen, *dates from the meetings of the Liberal Constitutionalist Party* . . ." "I do not come to incite government crises, I come to speak of personal intrigues, for such were those of Chapultepec. Once, when I was in the company of Mr. Acuña and General Obregon, a man whom I admire, esteem, and look upon as a pride of the Nation, they said to me, 'that man, Palavicini, is giving too much trouble; but he will see, he will not get to Congress." (Diario de los Debates, Vol. I, pages 154-227).

If the Secretaries of War and of the Interior so treated their associates, is it possible to think that they would allow any one not a member of the military faction of the Carrancistas to enter the Constituent Congress?

The decree of the 15th of September, 1916, has the following provisions: ". . . besides those disqualified by the said Constitution (that of 1857) no one shall be elected who either by taking up arms or by holding government positions, has aided the governments and factions hostile to the constitutionalist cause." (Art. 40).

The letter of convocation for the elections, of the 19th of the same month of September, adds that "those should be considered citizens of a State"—one of the requisites for election —"who had resided in their locality for at least six months prior to the date of the elections" (Art. 8, Section III), "and those who had been qualified citizens or residents of their respective States during the ten days of the uprising in the City of Mexico, provided that they had proved afterwards with actual deeds their adherence to the constitutionalist cause." (Art. 8, Section IV).

And the electoral rules of the same date state that the census to be used shall be "the list of voters for the last municipal elections." (Art. 20).

In the lists, a large number of voters not identified with the Carrancista cause had been eliminated. Nevertheless, as has been seen,

this was not considered enough, and those who had supported the governments or factions hostile to the Carrancista cause were also excluded.

But not even this elimination satisfied the military caste, and they finally exacted as a qualification for electors, a residence of six months immediately preceding the election. Such a ruling deprived of the franchise hundreds of thousands of citizens who, fleeing from the atrocities of the revolutionary rabble, had removed from hamlet to town, from town to city, from city to State Capital, and from State Capital to the Metropolis.

And in order that the exclusion might be absolute, all inhabitants who had not proved with actual deeds their adherence to the Carrancista cause, or, in other words, to the dominant proletariat caste, were declared non-residents.

Thus the Assembly of Queretaro, beside the fact that it had usurped constitutional power, did not even originate in the will of all the social classes expressed at the polls.

The Carrancista mobs, and they alone, organized under the direction of their generals and with the name of Liberal Constitutionalist Party, manufactured the lists of congress-

men and obtained credentials for these in fraudulent elections, availing themselves of the public forces managed by the Secretaries of War, of Foreign Affairs and of the Interior, by the military commanders acting as Governors of the States, and the heads of garrisons and military posts.

CHAPTER III

THE SEPARATION of Church and State deserves special consideration as being one of the greatest victories for public rights gained by the Constitution of 1857 and subsequent amendments.

The Church is a society organized to teach the flock of the faithful the road to Heaven.

The State is a society established to normalize the inter-relations of men living in the same community.

The former seeks spiritual, the latter, temporal perfection. The Church is supreme in dogma, discipline and worship, so long as her external manifestations are not opposed to the public welfare; the State is supreme in its function of regulator of social conduct, but cannot go beyond the threshold of the sacred tribunal of conscience.

Members of different religious communities and at the same time of one lay community, can live at peace with their consciences and with their fellowmen only on condition that the Church refrains from all interference in

public matters and the State abstains from all meddling in matters of faith. If it were necessary to confirm with historical evidence this truth, which is now an axiom, it would suffice to cite the crime of the Inquisition in order to condemn the Church political, and to recall the madness of the worship of Reason in order to anathematize the State pontifical.

From these facts, we draw two conclusions:

Firstly, that all political actions on the part of the Church not only pervert her spiritual ends, but also imperil the peace of nations. No action, no practice of a dogmatic character should serve as a means for obtaining control of governments.

Secondly, as to the individual, the inviolability of conscience must be absolute.

With reference to the first point, the Constitution of 1857 has no other explicit stipulation than that all ecclesiastics are deprived of the privilege of holding certain offices.

Taking advantage of the fact that the Constitution of 1857 did not expressly forbid religious institutions as such to organize into political parties, the Catholic Church, immediately after the revolution of Madero, formed the "Catholic Party" with a view to taking part in the elections of 1912. The party was

supported by the clergy. All from the highest to the lowest, availed themselves of religious offices, the confessional, the pulpit, doctrine, dogma, faith, superstition, and all the instruments at hand to gain proselytes. They worked on the consciences of the people, their friends, and their servants, using the formidable argument of eternal salvation, and when the ballot-boxes were installed they placed about them standards bearing significant legends. On many of them for example, were inscribed the words: "Here you vote for God."

The Catholic Church attempted in this way to convert itself into a temporal power in rivalry to the State; it endeavored to re-establish the theocratic régime of the middle ages. It was thus false to the lofty and spiritual ends for which it was instituted at the same time that it substituted religious sentiment for the patriotic spirit in organizing the administration.

We, sincere and earnest liberals, lovers of the State, and solicitous for its progress and development, cannot but applaud the provisions of the Constitution of Queretaro which deny to ministers of any religion the right to hold office, to organize for political ends, to use the pulpit, the confessional, or any other

clerical function as an instrument for political propaganda, whether by word of mouth or in writing. We also are in complete accord with the provisions which forbid the similar use of publications and periodicals of a religious character and those which forbid any group or political faction to assume a name implying adherence to a religious creed, and finally, that which prohibits any political meetings to be held in temples of worship.

But in order to be consistent with the same principle of public right, it is only just to admit that the Church must be supreme in questions of faith, that it must enjoy absolute freedom in the determination of its dogmas, in the adoption of its doctrines, in the external forms of its worship, and even in its precepts of morality, with no other restriction on the last two, than a prohibition against perturbing or imperiling public peace or retarding the work of the masses; it must, in addition, be free to organize its hierarchy and to appoint its doctrinal and officiating personnel.

The Constitution of 1857 with its amendments of 1873 places no restriction on liberty of conscience in these matters, and as to external forms of worship and discipline, empowers the federal authorities, to exercise

any supervision over them designated by law. In addition to this, it prohibits monastic orders.

The first of the foregoing restrictions was quite justifiable. It was inspired only by the wish to preserve public order which, owing to the ignorance and fanaticism of the masses of our people, was very easily disturbed at that time, as it is even now, if the external forms of worship are not properly regulated, especially when services are held outside the churches.

The second restriction, the necessity for which was easily explainable at that time because of political and economic conditions, should no longer be in force in all its rigor, at least in so far as it concerns orders of pious women consecrated to good works, as for example, the Sisters of Charity. The State should limit itself in this matter to denying civil sanction to monastic vows.

Although ostensibly the Constitution of Queretaro recognizes liberty of conscience, as a matter of fact, it violates its most fundamental manifestations. I shall treat of these briefly, leaving for a later chapter the most important, freedom of education.

The Constitution of Queretaro begins by

prohibiting foreigners to exercise the functions of the priesthood. Can anything be more ridiculous? Such a prohibition is equivalent to establishing a national religion, and national religions in the twentieth century are worse than the Inquisition at the dawn of the nineteenth. When religious institutions and their ministers are not allowed the enjoyment of political rights while discharging their priestly duties, what difference does it make whether it is a native or a foreigner who imparts doctrines, moral commandments, or the consolations of religion?

Carranza himself, shocked by this excess of tyranny, felt obliged to allow three foreign priests to hold services in Mexico City. It is true that he used as an excuse a demand on the part of congregations for services in foreign languages in order to justify so flagrant a transgression of his own constitution, but, as a matter of fact, one of the priests was a Spaniard.

Another provision of the Constitution of Queretaro authorizes each State of the Federation to determine the number of ministers of religion that shall practice their profession in its territory. Granted the separation of

Church and State, is not this another absolutely unjustifiable interference?

If catholics, protestants, and in general, members of any religious body or sect are privileged to follow their form of worship, all limitations of this right trample upon liberty of conscience, inasmuch as the preaching, doctrine, religious ceremonies and propaganda are essential manifestations of such freedom.

As a proof of this we can recall the state of tenseness bordering on rebellion which obtained in Jalisco due to the decree limiting the number of priests in that State. As further proof, we can also point to the fact that this same decree was revoked because of pressure brought to bear by President Carranza himself at the cost of the sovereignty of this same State, thus conceding the indisputable fact that more than any conception of state sovereignty, society needs peace of conscience.

Finally, in the same article 130, the Constitution of Queretaro authorizes the formulation of laws bearing upon "religious discipline in the Churches." Are laic and civil laws to set the standard of *religious* discipline inside the churches? They may dictate regulations

for policing, for morality, and for hygiene, but vesting the State with the power of regulating internal religious discipline is tantamount to denying and repudiating freedom of worship.

This encroachment on religious liberty resulted from the fact that the Constitution of 1917 was not drawn up by the Mexican people nor for the Mexican people. That Constitution was an agreement of the "armed citizens" formed by a minority of the sub-social classes turned into fighters, and their works are born of the passions, hatreds and animosities which formed the revolutionary bond of union of this neo-military caste.

The Secretary of War, Alvaro Obregon, hierophant of the so-called "Liberal Constitutional Party," boasted not many months before of having "traversed the Republic from end to end followed by the maledictions of the priests," and proudly exclaimed: "What greater honor could be mine?" (El Liberal, Mexico City, May 4th, 1915).

Easily can we imagine what his satellites in the Assembly of Queretaro felt impelled to think and to shout.

Congressman Gonzales Torres declares that all religions "are absolutely corrupt and have been converted into a woof of tales and

legends; of absurdities and aberrations." (Diario de los Debates, Vol. I, page 520).

Congressman Recio states in recording his vote that "we are obliged to prevent and correct all that which may contribute to the immorality and corruption of the Mexican people, freeing them at the same time from the claws of the crafty priest who takes possession of consciences in order to carry on his iniquitous work of prostitution." He proposes, as a result, that the ministers of any sect be forbidden to hear confessions, and that the practice of their ministerial profession be limited to Mexican citizens by birth, imposing upon them the obligation of marrying according to the civil law if they have not reached the age of fity. (Diario de los Debates, Vol. II, pages 741-2, 750-1).

Congressman Alonzo Romero wins loud applause on ending with this tirade: "There is no doubt that any woman who goes to confession is an adulteress and any husband who permits it is a procurer, and a party to such immoral practices." (Diario de los Debates, Vol. II, page 774).

Congressman Gonzalez Galindo affirms the following: "It has been agreed upon that religion had an evolutionary progress until it

reached Christianity, which is supposed to be the most perfect form; theologians say that it is the most truthful; I call it a farce; I call it a string of lies and fables." (Diario de los Debates, Vol. II, page 753).

What could be expected from the men who shot at images of saints in Monterey, who harassed and expelled the priests and nuns of Zacatecas, who held the bishop of Durango in a well in order to extort from him a rich ransom; who violated virgins consecrated to a religious life, who looted and desecrated the Josephine College, in Mexico City, and who sacked and pillaged every church in the Republic? What could they do in the name of liberty except to crush and profane the religious convictions of the ninety-nine per cent. of the Mexican people, pursuing them even to the sacred precincts of conscience?

How could these fanatics who upheld the bloody and concupiscent canons of pre-constitutionalism permit their victims to seek consolation in that sublime love and grand renunciation which defied the Master?

CHAPTER IV.

Over four-fifths of the Mexican people are illiterate; this indicates the extent of their lack of culture.

Thirty per cent. of the inhabitants of the country are of a pure indigenous race, a large proportion of these do not speak the Spanish language and all of them live in a state of subcivilization. Within the same borders, therefore, there is a double nationality; the subcivilized and the civilized. The former are still in the period of subordination; while the latter have already reached that of coordination. Must we Mexicans of high ideals leave the subcivilized in their state of subordination?

If their inferiority were ethnical, if their race were opposed to progress, there could be no other course than to let them live as they have lived and utilize their muscular force for the good of the rest of the community until the law of natural selection had definitely wiped them out.

But there is no such ethnical inferiority; the

native race is strong, intelligent, tenacious in its purpose, and at the same time open to advice and frugal, although in certain regions inclined to the use of alcohol. They reveal all these qualities in a passive way because they have lived for four hundred years under the political, social, economic and mental oppression of the conquering race and its descendants whether full-blooded or mixed.

But all these faculties, now passive, are capable of becoming active. The power of imitation of the native can be transformed into initiative; his ability to endure suffering and adversity into a persistent and tenacious desire for useful work; his docility, resulting from age-long obedience, can bring about conscious social discipline. The only thing that has been wanting to effect this metamorphosis is education.

There are, nevertheless, many who oppose this, the sole way to regeneration, with the argument that it will only awaken appetites and ambitions in the masses. Those who predict such dangers are retrogressive. They wish to preserve their own privileges, and will heed neither the lessons of history nor the teachings of social science. Ignorance can temporarily hold the masses in meek sub-

jection, but at the same time it makes them an easy prey to agitators and demagogues and is the underlying cause of anarchical uprisings. Let the sad picture of Mexico in the past nine years, and the gloomy spectacle which Eastern Europe now presents, in contrast to well-ordered conditions in the United States, stand as a proof of this contention.

Not a few oppose the education of the masses, arguing that it does not go hand in hand with a moral progress necessary as a check upon anti-social instincts. Those who think thus forget that the most ignorant peoples in the world are not the most moral; that if, in truth, civilization brings its retinue of vices, they are only new forms of those which already existed, and to offset them, it is accompanied by virtues which serve as a counterbalance.

On the other hand, when we speak of *education*, let it be understood that we mean a *practical* education which may guide the talents of the people towards the work of economic, civic and moral co-ordination.

It must, therefore, be an economic education to create in man needs and aspirations at the same time that it provides the means of satisfying them by productive labor. It must

be a civic education to which end the school, as a community in itself, could use as a daily object lesson the rights and duties, the liberties and restrictions, that every community prescribes for the individual. It must, finally, be a moral education, which is easy to infuse into young minds by the use of select stories and fables.

Reading, writing, arithmetic, and the other branches of knowledge which form the constructive part of education are not ends in themselves but, rather, means towards reaching the above-named economic, civic and moral ends.

It is not possible, therefore, to doubt that the public authorities are under the strictest obligation to extend education to the masses, and that in our country this duty is most pressing because upon it depends the issuing forth from the state of subconsciousness of half the Mexican people.

Hence, the civilizing mission of our government will not be fulfilled until the number of schools in each city, town, or village is sufficient to accommodate all children of school age. Furthermore, the government, far from placing obstacles in the way of private schools, should favor and even financially

assist them, limiting itself, insofar as elementary education is concerned, to providing that plans, programs, text-books, and official methods of education be adopted which have as their primary and essential object the adaptation of man to the practical conditions of social life.

Instruction imparted in official institutions should be secular, this being the most natural consequence of the independence of Church and State and the most perfect guarantee of religious liberty. By secular, we understand that the public school should neither defend nor attack any religious dogma, but it must expound facts, state their causes and disclose their natural laws, even though thereby it contradicts this or that Biblical myth, or denies dogmas of revealed truth, or destroys legends of miracles.

But there is a long step between this and forbidding all religious instruction, or, to speak frankly, Catholic propaganda, in private elementary schools; or carrying intolerance so far as to close all schools directed by or in charge of religious societies or ministers of any sect.

Religions, the Catholic among them, are not injurious to the people. Ignorance is

injurious, because where it exists, religion carries to the soul only superstition. Only that dogma is sterile which is unaccompanied by the principles of individual and social ethics.

Can anyone deny that the fear of God is an immeasurable restraint upon the actions of the large majority of men and that at present at least there is no substitute for it? Can anyone question the stupendous influence that the gentle word and ineffable abnegation of Christ have exercised upon the human conscience? How, then, is it possible to contend that the Christian decalogue will be transformed into a corrupting influence merely because its teachings are united with the education of the rest of the faculties of the child?

We, sincere freethinkers, renounce and condemn such an unreasonable and intolerant spirit. We want many, very many schools, we earnestly desire the education of the masses, physical, mental and moral; but, above all, the education of the will and of the character, without which all other qualities are barren and harmful, and with which even the roughest and most ignorant man becomes useful to himself, to his family, to his friends,

to his community, to his state, and to his country. If we could attain that education without religious institutions, we should prefer it; but inasmuch as that is impossible, we welcome any who wish to aid us in this work whether they call themselves Catholics or reformists, orthodox or heterodox, whatever be their sect or creed, so long as their standard of morality represents the highest type of individual-social human conduct.

Nor do we, freethinkers, condemn the infusion of religious sentiments into man; rather do we long for them in the masses, not on account of the dogma they may contain, to which we are indifferent, but on account of the moral strength they develop. If we could make a Socrates of each man, we would attain our ideal; morality for the sake of morality; good for the sake of goodness.

But, as it is impossible to make philosophers of all men, or even of a small minority of men, because of the absence of ethical conceptions, we welcome religions when they bring to us sentiments of altruism.

With an intensely broad-minded spirit, the Constitution of 1857 thus dealt with the problem of national education. As to the duty of the State, we quote the following

paternal precept of its article 32: "Laws shall be enacted to improve the condition of industrious Mexicans, by rewarding those who distinguish themselves in any science or art, to foster labor, and to found colleges and manual training schools."

It did not limit the power of founding those training schools only to the states, but by this broad ruling, also empowered the Federal Government concurrently to carry out that great essential function for the betterment of the masses; for the education of the people is not an obligation of this or that town or village, of this or that state or territory, but rather of the nation as a whole.

Since the Constitution of 1857 urged the Federal Government and at the same time the states and municipalities to stimulate labor and to found practical schools of arts and crafts as well as colleges, evidently the Federation, the states, and the municipalities were concurrently empowered to establish rudimentary, elementary and grammar schools in every corner of the Republic and to work out in them a plan adequate for civic, economic, mental and moral education.

For the proper understanding of this subject, it is well to state that primary schools in

Mexico are of three types, namely: "Superior schools," corresponding to the grammar schools as known in the United States; "elementary schools," comprising only the four or five lower grades of the grammar schools, and finally, the "rudimentary schools," with a less extensive curriculum, intended to be established in rural districts particularly for the benefit of the Indian population and to be converted later on into elementary schools.

As to individual initiative, the Constitution of 1857 placed absolutely no impediment in its way. On the contrary, it sanctioned it in these simple words of Article 3: "Instruction is free."

The statute which aspires to raise the level of the masses without any distinction, to truly regenerate them through education, is a national monument; the statute that commends such a lofty mission to all the executive agencies of government—municipal, state and federal—is a national monument; the statute that calls all social classes to collaborate in this great work without discrimination based upon political or religious creeds, be it as a lucrative profession, or for beneficent motives, is a national monument.

Such a monument is the Constitution of 1857.

CHAPTER V

To THAT armed ochlocracy which lately usurped the privilege of voicing in a new Constitution the popular sentiment, was reserved the honor of placing the most flagrant obstructions, now by theories, now by hatreds and excesses, in the way of the civilizing influence of the school upon the illiterate masses.

Up to the year 1910 neither the states nor the municipalities had satisfactorily solved the problem of universal education.

Based upon the figures afforded us on the subject by Miguel E. Schultz (Course in Geography) and accepting, empirically, the estimate that children between the ages of 6 and 15 represent 25 per cent. of the general census, we have drawn up the following table:

Divisions of the Nation	Dependency	Number of Schools	Pupils Registered	Annual Cost	Children of School Age
Fed. Dist.	Government	473	96,736	$4,082,490	179,763
	Private	235	21,301	409,080	
Territories	Government	216	19,610	503,250	58,292
	Private	46	4,269	18,540	
States	Government	9,221	616,901	5,167,090	3,527,746
	Private	2,327	142,096	1,173,670	
	Totals	12,518	900,913	$11,354,120	3,765,801

From this table we get the following averages:

Division of the Nation	Dependency	Annual Cost per School	Annual Cost per Pupil	% of Children *With Education*	Registration per School
Fed Dist.	Government	$8,631	$42.20	54	205
	Private	1,741		12	91
Territories	Government	2,330	25.66	34	91
	Private	403	4.34	7	93
States	Government	560	8.38	17	67
	Private	504	8.26	4	61

The conclusions to be drawn from the foregoing figures are as exact as they are discouraging.

The quantitative efficiency of the official primary schools of the States, counting only the schools maintained by the public treasury, barely equalled 17 per cent of the scholastic population.

The qualitative efficiency of this small percentage is not more flattering. An estimated annual average of $560 per school, each with an average registration of 67 pupils, plainly indicates that the personnel of these schools consisted of only one teacher with the paltry salary of $30 per month, leaving a balance of $200 per year for rents, and other minor expenses. Could instruction imparted in such schools conceivably be anything but rudimentary?

The cause of such deficiency, quantitative and qualitative, on the part of the States in their educative functions had been none other than lack of resources. There was no reason for expecting that this penury would disappear, nor that the States would better their school systems in the near or distant future. Their institutions of learning were so poor, that the States could not have raised them to a capacity of 100 per cent. of the school population except at a cost of $29,190,666, an amount greater than the sum of the revenues of all the States and Territories.

Persuaded of this inability on the part of the States to fulfill one of their primary social functions, and absolutely convinced of the fact that not only the progress, but even the very stability of Mexican nationality was dependent upon the school, which alone could bring about the regeneration of the unlearned masses, when I assumed the duties of Secretary of Public Education in the last two months of the administration of General Diaz, I announced a new educational policy on the part of the National Government. I announced that my Department was determined to establish an extensive educational scheme, not limiting itself to the narrow boundaries of the

Federal District and the Territories, but embracing the whole Republic.

It was not the intention of the Federal Government to encroach upon the functions of the various States, for it did not intend to supplant their schools with the national ones. Its purpose was simply to establish schools where there were none, and to erase gradually from the map of the nation those dark spots of illiteracy, countless and oppressive.

Willingly would the Federal Government have opened elementary schools with a complete curriculum under the advice of educationalists; but such a program was financially impossible. In order to carry it through, taking as a basis the average cost of the schools run by the Government in the Territories, it would have required an additional annual disbursement of $73,530,027, which was impossible at the time in view of the fact that the sum total of the revenues of the administration just barely reached 110 million pesos annually.

Taking facts and possibilities into consideration, therefore, the Department of Education submitted a plan for the installation of *rudimentary* schools with the simplest courses of study, with the view of enlarging its scope

in quality and in quantity in proportion to an increase in revenue.

This project, though approved by the Federal Congress of the Provisional Government which immediately followed that of General Diaz, was opposed by the then Governor of the State of Coahuila, Venustiano Carranza.

He cited no reasons for his attitude; he did not prove, nor could he prove, that the schools established in his state were sufficient in number and capacity or so located that they could impart education to all individuals of school age. He limited himself to setting forth the empty conceptualism of State Sovereignty.* As if such sovereignty had been established for the purpose of holding the people in ignorance, and worse than in ignorance, in a state of subcivilization! As if the education of the masses were not a vital necessity for all communities, towns, villages, cities, municipalities and States of the Federation.

The Madero Government, which followed the Provisional Government, was too absorbed

*The sovereignty of the States is a fact in a Confederation; it is only a restricted home-autonomy in a federal government originating, as did that of the United States of America, "*e pluribus unum*," and it is a *legal fiction*, an *empty conceptualism* in a country where the States did not exist before the Nation but were created by the provisions of a national Constitution, as was the case in Mexico.

in politics to worry about carrying out this program of universal education, or even to think seriously of placing it on the road to fulfillment.

The Department of Education which I headed during the first months of the Huerta administration, was the one which revived the project, this time with greater momentum, faith and energy. It presented to the Federal Congress for approval a vast plan for the installation of five thousand *rudimentary* schools throughout the country during the first year, with a view to following it up with similar efforts in successive years.

The idea was accepted with enthusiasm by all those who knew about it; many private citizens hastened to offer their services free of charge to the Government in the work of setting up and supervising these rudimentary schools; many a property holder spontaneously offered land for the schools; and many were the communities of Indians that enthusiastically pledged themselves to work without wages in the construction of the buildings if they were supplied with the necessary materials.

So powerful was this popular wave of opinion, that the Chamber of Deputies,

regardless of political creeds, including, in fact, members of the opposition, approved and even increased a budget of more than six millions of dollars for the first year.

The project of the Department of Education divided the country into 36 scholastic zones, the boundaries of which were set, not according to the geographical boundaries of the various States, but according to the general census, the illiterate population and the facilities of communication; and it subdivided each zone into districts, each with ten schools which would be placed in the centers of greatest mental backwardness.

At the head of each school there was to be one teacher, and, wherever necessary, this teacher would be provided with an assistant; every ten schools were to have a visiting inspector who was a graduate teacher and who would take charge of the work of installing the schools of his district and supervise them. At the head of each zone there was to be a normal professor under whose direction there would be established a normal school for teachers of rudimentary branches with a view to forming gradually the teaching staff of that institution.

Political events well known to all, prevented

the fulfillment of this really popular program for the actual advancement of the masses; a program which from its very nature could not but build Mexican nationality on a basis of homogeneity in civilization.

The so-called Constitutionalist Government, headed by the former Governor of the State of Coahuila, did not restrain even for patriotic reasons its hatred of the past régime; on the contrary, because of that very hatred, and prejudiced by his empty conceptualism of State Sovereignty, the First Chief proposed to the Assembly of Queretaro that Article 32 of the Magna Charta of 1857 should be struck out, and this was done. According to this Article 32, the Federation, the States and the Municipalities could together arrange a plan for universal education.

The First Chief went further still: he submitted to the same Assembly, which approved it, a scheme to deprive the Federal Government of the power to establish primary schools in the States, and to that end the Constitution of 1917 dedicated the following Article 73: "Congress has the power . . . XXVII. To establish professional schools of scientific research, and fine arts, and technical education, vocational, agricultural and trade

schools, museums, libraries, observatories, and other institutions of higher learning, until such time as these establishments can be supported by private funds. These powers shall not pertain exclusively to the Federal Government."

This article, which authorized the Federal Government to establish schools of higher education, carefully omitting primary schools, taken in conjunction with Article 124, denied to it the right to open rudimentary, elementary or grammar schools.

The Constitution of 1917 consequently abolished the Department of Education which is as necessary to an illiterate country as water to a thirsty man. And it placed once and for all time an insurmountable obstacle—an article of the Constitution—in the way of any action on the part of the Federal Government looking towards the education of that very people whose welfare and advancement had served as a pretext for the Carrancista Revolution.

Nor will it be possible now to distribute over the country the five thousand rudimentary schools the erection of which was approved by a legally elected Congress, nor will it be possible in the future to develop any national

program for the regeneration of the people by means of the school.

If on the one hand the empty nominalism of State Sovereignty joined with political hatreds dealt a death blow to the broad Federal plan of education, on the other hand, religious intolerance was the cause of closing more than 2,500 private primary schools scattered over the Republic, merely because they were supported or run by religious institutions or by ministers of a sect.

In fact, opposite the broad article 3 of the Constitution of 1857 which stated without reserve that "instruction is free," the Code of Queretaro inscribed its everlasting ignominy in the following retrograde injunction: "No religious corporation, nor any minister of a religious sect shall be allowed to found or direct schools of primary education."

As a pretext for such a prohibition, it was said that religious propaganda deforms the morality and mentality of childhood. But the true motives—we have already proved them with authentic quotations—were a political grudge against the Catholic clergy and the blind spirit of intolerance which dominated the Assembly of Queretaro.

We agree that when dogmas, rites, or

legends take a higher place in religious doctrines than the canons of morality, religious propaganda is easily turned into superstition.

But superstition is not combatted by the suppression of schools, even though the schools depend for their support upon religious institutions. Ignorance is not the best nor the most powerful shield against fanaticism, nor is the school the only place where religious propaganda can be promulgated.

In this connection, let us not forget that the most liberal men of the period of reform were educated in seminaries.

How much better and more liberal would it have been to have recognized the right of religious institutions and ministers of any sect to carry on the work of education, though requiring them to adopt in their primary institutions official plans, methods, text-books, and courses of study, and making it obligatory for students of national history, moral and civic, to undergo examination by state inspectors. By such a ruling, the government could have availed itself of the powerful educative force of the Church, with the object of civilizing the masses and inculcating in them a civic, moral and sound idea of nationality!

But how could one expect such wonders from the Congress of Queretaro, when in his famous speech of the third of March, 1915, already quoted, Alvaro Obregon, leader of that caste of "armed citizens" which formed the majority in the Congress, boasted that "the malediction of the priests carries with it a glorification?"

And the ignorant so-called representatives of the people in the Congress of Queretaro said through the mouth of Citizen Bojorquez, "I am firmly convinced of the fact that the best and most just men, those who can best express a sentiment and maintain an ideal, are those who have least cultivated their intelligence, and this is not spoken in praise of ignorance." (Diario de los Debates, Vol. II, p. 734).

And Congressman Recio, member of one of the reporting committees, supplementing the foregoing idea spoke as follows: "I am now going to appeal to the same element of the House, because the intellectual element (the few tolerant representatives), the more intellectual it is considered, the more retrograde it is in its attitude toward the progress of the masses." (Diario de los Debates, Vol. II, pp. 741-2).

What greater *glorification* for the "armed citizens" than the maledictions of the priests! So long as they are obtained, what matter if 2,500 primary schools are closed!

What a constructive and fertile conceptualism, that of State Sovereignty! So long as that is realized, what matter if 79 per cent. of the population is deprived even of the hope of learning the alphabet?

What an unspeakable gratification to stupidity! To think that the government schools in the States have been decreasing in number and that in the Federal District they have decreased from 473 in 1910 to 360 in 1919!*

The Constitution, which inspired by empty conceptualisms of State Sovereignty, dictated by political hatreds, religious intolerance, and real cretinism, condemns a whole people to vegetate in the most degrading subcivilization, does not voice, cannot voice, the national aspirations of the people; it expresses those of a caste; it is not national.

Such is the Constitution of 1917!

---

*In accordance with information received from the Department of Education of the Federal District, "El Excelsior," a newspaper of the Capital, announces that during the month of September, 1919, of the 360 primary schools mentioned, 224 were closed.

CHAPTER VI

No economic relation between man and man can last and reach its highest efficiency in modern communities unless it is based upon equality, not an equality in fact, which does not exist in human nature, but an equality of right, without which the natural law of the economy of forces cannot operate. All legal inequality results in a lack of equilibrium; strife among men instead of co-operation, a deduction from instead of an addition to or combination of energies. The slavery of labor and the abject submission of the laborer to the magnate when sanctioned by law, are absurd anachronisms.

The Constitution of 1857 established the principles of economic equality in its articles 4 and 5. The first decrees that every man is free to embrace the profession, industry or labor that best suits him as long as it is useful and honorable, and enjoy the benefits thereof, no one having the right to curtail such freedom except as ordained by law. The second abolishes all contracts, pacts or agree-

ments for work which have as an object the impairment, loss or irrevocable sacrifice of man's liberty.

However, when the Constitution of 1857 was adopted there had not arisen, at least in critical states, either capitalism or the conflicts between capital and labor to which the former has given rise in modern society.

In the realm of principles, therefore, we sincerely believe that the Constitution of Queretaro makes a great step forward in drawing up certain laws relative to the condition of the working classes.

We include in this appreciation the restrictions on night work of women, young people and children, the standardizing of the length of a working day for young people and the designation of Sunday as a day of rest; the ruling that the minimum wage, subject to conditions in each locality, shall be enough to satisfy the normal needs of a laborer and provide for his education and legitimate recreation; the equality of wages for an equality of work regardless of sex or nationality; exemption from seizure or deduction of the minimum salary; the payment of wages in legal money; the construction of comfortable and sanitary houses with moderate rents

for the laborers; the erection of schools, hospitals and other buildings for general use in working centers; the prohibition of saloons for gambling dens in such centers; the liability for accidents and occupational diseases; the provisions for safety in industrial plants; the right of working men to form unions or syndicates, the power to declare themselves in peaceful strike; the preference of wages and salaries over other credits in case of bankruptcy; and the prohibition of certain stipulations in labor contracts relating to the already-mentioned exemptions; and the time and place of payment of wages, the forced patronage of stores owned by employers or the retention in whole or in part of wages in payment of fines.

All these regulations emancipate labor with a view to making it a free factor in the production of wealth.

There are indeed some precepts that should not appear in a Constitution, on account of being too rigid to conform with the variable conditions of labor at different seasons and in different regions of the country; as for example, that limiting the working day to eight hours, the one relating to women employed during pregnancy, and also the one making an

inflexible addition of 100 per cent. of the wages for overtime work.

But the leading defect of this Constitution is that it errs on the side of radicalism. That labor may not be a slave, it makes it a tyrant; that capital may not enslave, it tyrannizes over it.

In this respect, the Constitution of Queretaro shows clearly that in regulating the relations of capital and labor, its framers were led not so much by love for the working-man as by hatred for the capitalist, and for that reason we can only classify it as Bolshevik.

According to this new Code, if the manufacturer does not live up to his contract, the laborer is given effective and practical reparation; if the laborer is negligent or remiss, in theory he is responsible, but in practice he is immune. If a court of arbitration hands down a decision, the manufacturer must submit under pain of incurring grave penalties, while the workman remains free from all obligation.

There are very many cases where a just cause might exist for dismissing a workman, but either it cannot be substantiated by evidence or is found insufficient by a court of arbitration. In all such cases, the employer

is obliged to pay three months' wages, and there will certainly be more than enough lazy fellows who will dishonestly exploit such a privilege.

According to the Constitution of Queretaro, strikes are declared lawful under the elastic condition that their object be to establish an equilibrium between the various factors of production by adjusting the rights of capital and labor. It would be only just and equitable that suspension of work on the part of producers should be lawful under the same condition. But such is not the case. It matters little if the economic balance between capitalists and laborers has been lost due to an excess of wages and a corresponding lack of profit, the enterprise must continue to operate even though it be at a loss. Suspension of work is considered lawful only when there is no equilibrium between the demand and the supply of products manufactured, and let it be understood that this sole exception was admitted to protect the "Comision Reguladora de Nenequen," a concern officially belonging to the Government of the State of Yucatan, at the time the Constitution of Queretaro was being discussed.

However, the most momentous innovation

is the article which obliges all enterprises, agricultural, commercial, industrial or mining, to give the workman a share in the profits.

This precept will either not be put into practice or will result in most chaotic arbitrariness and corruption on the part of the men appointed to carry it through. What basis will be used to determine the share? What proportion, in consideration of the length, nature and quality of the service of the workman; what allowance for risks and differences in estimates will be used as a basis for an equitable division?

Viewing it from another angle, if this enactment that frames a seductive ideal which should be pursued as a goal of civilization, were sanctioned in all countries, and if the economic, social and political conditions of Mexico could be compared with those of other nations, then the enterprises would not run the risk of being ruined on account of the workman's share in the profits.

Facts are different: Mexico, setting an example to the world, may have written the most beautiful page in romantic literature, but she has made the existence of the workingman more precarious still; for we must not forget that capital, whatever its nationality

may be, migrates towards those regions of the world where it can obtain the greatest profits; and without capital, there can be no factories, no industries, no progressive acquirement of wealth, under our present economic methods.

And when in addition to the above, we take into consideration the fact that in the conflicts between the two factors of production, the deciding vote in the courts of arbitration is left to a salaried representative of the government, no one can doubt the sad results of such a system of inequality; because those who constitute that government at present are the *armed proletariat*, openly hostile to capital.

In 1915, one of the Cabinet members of the *de facto* government longed to return to small industry methods and so proposed it.

At the end of 1916, another Cabinet member of the same government, the "cuistre"* of the revolution, explained that the progressive tax had been placed upon mining claims in order to force big enterprises to abandon a large number of their mines.

---

*"Cuistre" is the term applied by H. Taine to Maximilian Robespierre. The author here uses the same term to designate Luis Cabrera, a phrase-maker who, on many occasions, attempted to justify, by means of sonorous words, the worst outrages of the Carrancista revolution.

On the 14th of December, 1918, the Federal Executive presented to Congress an amendment to Article 27 of the Constitution of Queretaro to the effect that no suspension of work or strike should be considered lawful, *without the consent of the Executive;* failure to obtain this consent would result in the Executive taking over the administration of private factories or business concerns which in his judgment might be of public interest.

What confidence, what security can capitalists and investors feel in Mexican industry, when they know they are at the mercy of the whims or despotism of courts of arbitration or of the Executive Power, and when they are well aware that these are both animated by hatred, covetousness and ill-will towards men of capital?

The scanty Mexican capital still available will move even further from industrial enterprises; foreign capital will seek more profitable fields of action; factories and industries will gradually languish and eventually disappear.

The workingmen will be left with great prerogatives, but with no work; with theoretical rights and high wages, but without real salaries; with the vision of wealth, and the reality of penury. Thus they are living, thus will they continue to live.

There are two paths to equality. Following one we must raise those below; following the other we must lower those above. The former is the way of love, progress, construction; the latter is that of grudge, annihilation, Bolshevism. The Congressmen of Queretaro chose the latter, and for that reason their work is barren and sterile.

CHAPTER VII

As we have seen in preceding chapters, and shall have opportunity to emphasize in those which follow, the letter of the law in many an article of the Constitution of Queretaro is Bolshevik.

The spirit which animates such law is more Bolshevik still, if that were possible. It is inspired, not by love of justice, but by hatred of all non-proletariat classes, particularly the wealthy; and is dominated by a lust for wealth.

The period of plunder and spoliation which, under the name of "incautacion" (seizure of property), prevailed prior to the adoption of the Constitution of Queretaro, clearly shows that it was not an ardent desire for justice that really inspired certain laws of that political code.

Such plunder and robberies were perpetrated individually by the so-called "armed citizens" —the unsound portion of the proletariat and the escaped convicts—who ironically assumed the name of Constitutionalists and later became the nucleus of the Liberal Constitu-

tionalist Party; eventually forming the majority of the so-called Constituent Congress.

The "cuistre" of the revolution, estranged from his former associates, denounced the demands of the so-called "armed citizens" for money, arms, horses, pasture, provisions, etc., and charged them with having received funds amounting to *round millions* without ever having rendered accounts; impudently approving, however, the action taken by Carranza in reserving to himself the prerogative of auditing accounts, instead of submitting them to Congress, giving as a reason that "in the history of Mexico the call for a rendering of military expense accounts has been the origin of 90 per cent. of the military uprisings. We do not doubt that the First Chief, if he is well acquainted with Mexican history, will approve all accounts" (in other words, that he will sanction all the systematic robberies) "with relative liberality in order not to fall into the historic error of other eras." (Segunda Meditacion, "El Universal," Mexico, June 6, 1917).

"Under a normal government," continues the same exponent of Carrancista ethics, "it is not conceivable that a government official could appropriate government property

for personal use; but, during the Constitutionalist Revolution" (and we must add also during the so-called Constitutionalist Government) "it had, unfortunately, happened with great frequency." Under pretext of "incautacion" (official seizure), a large quantity of private property has been appropriated, possession having been taken presumably for the nation, but instead of handing it over directly to the proper authorities, *those who seized such property have kept it for their own private use*, or have disposed of it in order to secure funds. It is needless to cite proofs of this charge, inasmuch as unfortunately *nearly all seizures of enemy property*, with a few honorable exceptions, *have been made with the deliberate intention of turning to private use the property attached.* This applies to the seizure of a horse or saddle, the commandeering of seeds and pasture, which were never used for the benefit of the troops, and even the occupation of houses, lands, farms and haciendas, which, having been attached, were worked and exploited directly by the men who attached them, ostensibly for the purpose of securing funds for the Government, but as a matter of fact, *in many instances the products of these lands never reached the National*

Treasury." (Tercera Meditacion, "El Universal," Mexico, June 7, 1917).

No wonder that this man, who was at the time of the above mentioned outrages, and is at present the Secretary of the Treasury of the Carrancista Government, recently stated in an interview *that he had no faith in human justice.* What could be expected of a man so incapable of appreciating that sublime virtue?

And the then First Chief, in his official report of April 15, 1917, to the Congress of the Union, was forced to acknowledge in the following terms the cupidity of his chiefs and co-workers: "A source of revenue, *more nominal than actual*, consisted in the seizure of enemy property" (all were considered enemies who had property worth seizing) "and this seizure of property was in the beginning a movement of an entirely *spontaneous* character" (yes, spontaneous, as is the act of a burglar) "on the part of the military forces occupying enemy territory, and who, upon gaining this territory, seized the property of all those who were considered enemies, in order to prevent them from utilizing their resources against the revolution as well as to secure funds. . . . The First Chieftaincy considered that, either for military

purposes, or as a source of revenue, or again as a means of enforcing liabilities, the seizure of enemy property *should be permitted*, subject, however, to whatever steps the Government might later take concerning it."

Thus, by admission of the Chief of the *Constitutionalist* Revolution and his Secretary of the Treasury, we learn that the robbery and plunder of private property was a spontaneous movement; that a group of the proletariat, unscrupulous and without ideals, armed themselves under the Constitutionalist banner, not for the purpose of obtaining justice for their brother laborers, but in order to enrich themselves.

It is not to be wondered at, therefore, that in these seizures of property—robberies or usurpations—no one took the trouble to ascertain whether the original ownership of the property was legitimate or illegitimate, whether it had been acquired unlawfully, or was the result of strenuous and persevering labor and sacrifices; the only thing desired was to despoil those who owned anything whatsoever in order to enrich those who had risen in arms for that purpose.

"It pleases me," said Alvaro Obregon, addressing 300 merchants, manufacturers, land-

owners, and professional men, called to a meeting in the city of Mexico on the third of March, 1915, "to see that you all have made a common cause; it does not matter, with one rod I can render justice to all . . . The division which I proudly command has traversed the Republic from end to end followed by the maledictions of the priests and the imprecations of the bourgeosie! What greater glory could be mine?"

This spirit, of avarice in some, of envy in others, was what inspired the deputies of Queretaro.

Anyone, therefore, who presuppose that equanimity and justice inspired the mandates of this Constitution will never be able to understand it.

The third paragraph of Article 27 says: "The Nation shall have at all times the right to impose on private property such limitations as the public interest may demand, as well as the right to regulate the development of natural resources, which are susceptible of appropriation, in order to conserve them and equitably to distribute the public wealth. For this purpose necessary measures shall be taken to divide large landed estates; to develop small landed holdings; to establish new centers

of rural population with such lands and waters as may be indispensable to them; to encourage agriculture and to prevent the destruction of natural resources, and to protect property from damage detrimental to society."

In any other Constitution, or any other place, this law would not be reprehensible; it would merely denote that which is implied in every civilized country by eminent domain of the State over the land; the undeniable right of the State to exercise high police duty over the *natural resources* that exist as force or matter in the soil and the sub-soil.

The letter of the article is clear and precise; it speaks solely of the principles governing *landed property* and *natural resources* which may be found suitable for appropriation in the land.

But the Bolshevik spirit made the law speak where it was silent. The circular of September 6th, 1917, issued by the Executive of the Union, declared that any private industries which suspended their work should be taken over by the Government, for "no one has the right to lessen the production of social wealth, particularly when that wealth is insufficient to meet the needs." and "when the suspension of work affects the rights of society, crippling

wealth or engendering trouble for the public administration, the temporary or permanent suspension of the enterprise violates the spirit and letter (!) of Article 27 of the Constitution, which gives to the Government *the right to take over the immediate control of it for the good of the masses.*"

And the Federal Congress in its decree of November 27th, 1917, approved the doctrine of the Executive, authorizing him to take over industrial concerns, and operate them in case of temporary or permanent suspension of work when such suspension is not permitted by the Constitution.

The Executive, however, was not sure as to the constitutionality of *his doctrine*, and on the 14th of December, 1918, proposed the following addition to the amended Article 27 quoted above: "Private business concerns or plants belonging to individuals or corporations and of *public interest* cannot be closed on account of strike, lockout or any other analogous reason *without previously obtaining the authorization of the Executive* who shall be empowered to administer them if, *in his opinion* the strike or lockout may be detrimental to the *interests of society* or the needs of public works. The obstacles having been

cleared away, the Government shall then return to the owners or their legitimate representatives, the concerns which have been taken over, and will deliver, at the same time, the net profits obtained during the government management. Those concerns or plants shall be deemed of *public interest* which provide means of communication, such as railroads, telegraphs, telephones, cables, radiographs, radiotelephones and street railways; also pharmacies, burial, light, water and city sewerage service, *mining industries, including those that treat as well as those that extract the raw material; the petroleum and combustible mineral industries; agricultural enterprises; textile factories operated by electricity, water, steam or any other power; and all other concerns of equal or greater importance, in the opinion of the Executive.*"

We would have nothing to say against this project if it merely authorized the Executive, in case of strike or lockout, to operate those concerns which are for *public utility*, provided that, on doing so, he would insure a return equal at least to the average return previously made by said concerns in a period of normal operation.

All enterprises furnishing a public service,

such as cemeteries, water; light and power plants, and city drainage systems, telegraphs, telephones, street-cars, railroads and regular transportation by land or water; docks and other harbor improvements, although organized for individual gain, have, under general conditions, as their principal object a *public utility*. Such enterprises, therefore, are not at liberty to render or refuse at their will these services; inasmuch as they have contracted the obligation of furnishing them and for that reason the State allows them the specific use of public or common property such as the surface or subsoil of streets and public roads, of river and maritime zones which belong exclusively to the State; and furthermore, the State invests them with the power of expropriation solely on account of the public service which they pledge themselves to perform . . In these enterprises, called "quasi-public" in legal technical terms, *the individual is substituted for the State in the discharge of certain functions essential to the people*, and for that very reason, if he, the individual, does not meet the obligations which he has assumed, the State has the right, according to the needs of the case, to put an end to the substitution either temporarily or permanently.

But there is a big difference between an enterprise of *public utility*, such as those above-mentioned, and a private business, the progress and continuation of which may be considered of *public interest.*

As a matter of principle and of fact, any private enterprise is of interest to the community; because, whatever its nature or the sphere of its operations may be, even though it is undertaken merely for the private profit of the owner, its existence is possible only if it is of service to the community, whether extracting the products of the soil or subsoil; cultivating it, utilizing its energies; turning matter or force to human use, or transporting goods from the place of production to the place of consumption.

In the same way that the aggregate of private wealth constitutes public wealth, the aggregate of private interests constitutes public interest.

But community interest does not exact, nor can it exact, the socialization of all private property, nor the socialization of all industries.

On the contrary, community interest, so long as it does not deal directly with the enterprises which by their nature are public utilities, demands liberty of action, economic

liberty, individual initiative, which not only includes the right to start those enterprises when considered convenient, the right to fix the scale of operation, and increase or diminish it in proportion to the emergencies of supply and demand, and in proportion to the cost or production and the market value of the product, but it also includes the right to close these concerns, when to carry them on does not pay or for any other reason is detrimental to the promoter.

As far as private enterprises are concerned, public interest is best served by free competition. The intervention of the State has not been proved justifiable either theoretically or practically.

Theoretically, if the incentive of individual interest is destroyed, initiative disappears, industries tend to become stationary, and where there is no progress, inevitably there is retrogression.

Practically, all attempts on a large or on a small scale which have been made for the socialization of economic activity have been an utter failure, not only because of the lack of individual initiative which we have referred to, but also on account of the often proved innate unfitness of governments to act as agents of production.

The unwholesome influence of politics and party obligations, the waste of public funds, the automatism and routine of government machinery, not to mention the opportunities for corruption and fraud, are many more causes which have brought disaster to private enterprises in the hands of governments.

We do not wish to cite the unflattering results recorded in the United States by the transference to government control during the war of railroads, cable and telegraph lines. It would be enough for us to mention what has happened in Mexico in relation to the national railroads, the Mexican Railroad, and the electric street-railways, the control of which was taken over by the administration.

But for our purpose, we shall confine ourselves to quoting the following figures taken from "El Universal," a government newspaper of the City of Mexico, dated March 15, 1919, relative to the administration, during the preceding four months, of private properties which had been illegally seized by the Federal Government:

Income	$992,374.11
Cost of management	675,261.63
Net profit	$317,112.48

The cost of management—nothing more nor less than the cost of management—of the seized property consumed 68 per cent. of the income producing power of that property.

Can any argument more eloquent be offered against the socialization of private enterprises?

For this very reason, our unshaken conviction is that properly to look after social interests, the power of the government to interfere in the management of private enterprises should be limited to those which are in the nature of public utilities.

Moreover, as private concerns seek profit at the same time, both justice and public interest demand that in case of a forced resumption of work, the government guarantee the average profits obtained during a reasonable period of normal work.

Since the State, instead of attending directly to public service, authorizes a private concern to do so for commercial ends, it is pledged not to frustrate the expectations which gave rise to such enterprise, just as that enterprise is pledged not to defraud the public of the service for which it was authorized: such is the equation between individual and social interest; between the right of the individual and the right of society.

On the other hand, justice is not at variance with the legitimate claims of the people. Public authority has an interest in promoting and developing this class of enterprises for the benefit of the community. The primary requisite for initiation and development in all private economic activity is safety. If individuals do not feel secure, they will either fail to contribute their brains and their money to the performance of public services or they will enter into them with the deliberate intention of immediately obtaining disproportionate gains to cover possible future losses. In either case, the result is detrimental to the very public which should be served.

In its context, the amendment to Article 27 proposed by the Executive to the Congress of the Union, not only ignores the laws of social-economic science but it is a serious menace to the spirit of enterprise in all lines of production.

As a matter of fact, it authorizes the taking over of business enterprises, when the Executive, a single man, *responsible to no one by the very terms of the Constitution*, holds the opinion that the interests of society *may be interfered with*. Let it be noted that the law does not

even require that the said interests be actually impaired, but that *the simple possibility is enough.*

This most dangerous power of the Government extends to mining, agricultural, metallurgical and textile enterprises; and what is even more dangerous, the Executive reserves the right to discriminate and determine what other enterprises are of an analogous character.

Shoe and hat factories, wheat and corn mills, and, in general, those industries whose products are of most general need, can fall at any moment into the administrative vortex. Moreover, as the State does not offer any guaranties whatsoever relative to the profits of these enterprises while under its control, there is provided no possible check to arbitrariness and plunder, nor any limit to uncertainty and insecurity.

The proposed amendment goes even further: after enslaving capital and the spirit of enterprise, it enslaves labor, for it denies to laborers the right to go on strike. Thus capital and labor are equalized not so much in the bestowal of rights as in the denial of them.

In a previous chapter I have stated why I consider it a progressive step in the realm of principles to have a constitutional clause

recognizing the right of the working classes to go on strike. Only on that condition is man truly free; without such a right he is a servant or slave, and the freedom of labor is a requisite not only for the prosperity of the proletariat, but also for the general progress of society.

The explanation accompanying the presidential draft of the constitutional amendment stated, however, that the idea which the Executive adopted *is progressive;* that is, "that the Chief Executive, in his capacity of regulator of social problems, was the only power representing the State that could decide whether or not there should be a suspension of work, and whether labor or capital were at fault."

We cannot but call retrograde such an idea. As old as the ages, it has served in all countries as a support of economic despotism: upon it have been based successively social and individual slavery, serfdom, guilds, monopolies, sumptuary laws, price-fixing, restrictions affecting international commerce, and all other restraints which humanity has constantly been striving to remove.

From time to time, however, during periods of retrogression, that same "progressive idea" to which Carranza alludes has appeared under

different names. Now it is called Bolshevism, and is the fruit of the Carrancista tree.

Since this faction found it necessary to flatter the *unarmed proletariat* so as to be able to destroy, rob and plunder the other social classes, it assumed a pose in favor of the sacred rights of the working man, and for that reason in the Constitution of Queretaro it sanctioned strikes.

But as soon as this Constitution had been approved, and the Carrancista faction had become enriched with the product of its rapine during the period of revolution, all it wished for the future was the opportunity to utilize its power to further enrich itself.

It would give no thought to the welfare of the working classes, nor would it listen to their clamors. Just as formerly it wore the mask of proletarianism to grasp power, now it wears the mask of social interest that it may vest the Government, which is nothing but that same neo-military Carrancista caste, with the most despotic authority over people and property.

Consequently, it does not recognize the right of capital to manage its own enterprises even though they are not public utilities; and it likewise will not allow the workingman the

right to choose with freedom the nature and conditions of his labor.

The most conservative organ of the administration in the City of Mexico, "El Universal," supplies us with the strongest proof of our assertion.

In its issue of May 8th, 1919, it furnished us with the news that the Permanent Commitee of the Federal Congress had been obliged to start an investigation as to the fate of *several workingmen who had disappeared*, because suspicions of a serious crime rested upon the Executive Power. The unarmed proletariat is just beginning to fall under the murderous blow of Cain!

The same newspaper, in a recent editorial relative to the coming presidential elections, forswearing the anti-military policy which has characterized it since its origin, does not hesitate to declare that the next president of the Republic *cannot be a civilian* because, if he were, political stability would be in danger; in other words, the military caste claims as its very own, the national government, and through it *all the resources of the nation*.

Bolshevism is the absolutism of the one-time proletariat-in-arms over the rest of society. The Carrancistas now aim to perfect the Bolshevism of the Constitution of Queretaro!

CHAPTER VIII

Since writing the preceding chapter, events have happened to prove that just as Bolshevik as those who drew up the Constitution of 1917 are those charged with enforcing it. They must interpret it so as to favor only those in power, sacrificing not only the middle and wealthy classes, but that part of the proletariat which is not in arms.

The most active participants in the Carrancista revolution, in addition to the criminals and renegades, were the proletarians, or to be more exact, the disorderly part of them. The recruits of the revolutionary mobs were peons and day laborers, the majority of the latter being railroad workers. The theorists of those mobs were ruined intellectualists, a large number of them school teachers. A number of laborers and not a few school teachers occupied seats in the so-called Constituent Congress of Queretaro.

I have already stated in part what these proletariat classes conceived and formulated. Under pretense of uplifting the workingman,

they established in the constitutional system, the retroactivity of laws; insecurity for capital, and spoliation of lands. Such is, in fact, the synthesis of a good portion of Articles 123, 27, 28 and other articles of the Constitution of Queretaro, which I have already partially considered and propose to continue analyzing.

The proletarians, elevated to the rank of "armed citizens," were as fruitful in laws tending to destroy social harmony, as they were barren of constructive enactments.

The great material basis for the economic betterment of the proletariat, particularly for the proletariat of brawn, would have been the encouragement of capital which by this time had been driven away and ruined by the revolution, that it might return to the country and be invested in working, improving and irrigating lands, a condition indispensable to the ultimate division and distribution of these lands, for developing industries already established and for starting new ones.

The great psychological basis for the uplift of the proletariat would have been a program of universal national education, so that the light of truth might be carried to every section of the country, character strengthened, and

new desires engendered in the humble classes along with the legitimate ambition to satisfy them with the wages of labor.

Nor was anything inserted in the Constitution of 1917 to serve as a magnet and channel for the influx of capital, and whatever was done relative to national education was destructive, since there was denied to the Federal Government the power to establish primary schools outside of the Federal District and Territories, and at the same time the closure of a large number of private schools was forced at one blow.

The result has been that the proletariat, instead of improving, has deteriorated; and instead of earning higher wages, merely exists under the oppressive burden of the increased cost of living.

The Government, that government born of the armed portion of the proletariat, instead of increasing the wages of the workingman and the teacher, has been the first to diminish them so considerably as to bring them to the verge of starvation.

The railroads taken over by the administration were the first to reduce wages 25 per cent.

The National Government and the various

States of the Republic, with one lone exception, have diminished the number of schools, the number of teachers and the latters' salaries, and still further, they have frequently suspended the payment of these salaries, thus condemning the educators of youth to dishonor or death by starvation.

"In these latter days," say the teachers of primary schools in their manifesto of May 12th, 1919, "popular education in the Federal District is in a lamentable state of deterioration. One sees the closing of schools and an endless reduction of personnel; teachers have been subject for a long time to reductions of salary, besides being owed large sums; their salaries are paid with an exasperating irregularity and they faint from hunger in the very classrooms; they are denied the materials necessary for teaching; they are compelled to work in buildings which become more worthless and unhygienic every day, and they are made the object of marked disdain in all society. The education which they have imparted, therefore, has been deficient, niggardly, paltry and not at all adequate to the great needs and lofty aspirations of this people. Moreover, this factor of regeneration has become a despised burden in the eyes of

the authorities . . . And, therefore, convinced after a long and bitter experience, that popular education has been converted into a painful social sore; taking into consideration that society makes us every moment more and more responsible because it notes the failure of education, a failure which the teachers are not responsible for, the school teachers cannot but tear to pieces the veil which hides a false situation; they cannot, nor do they wish to, become accomplices in so serious a state of affairs.

"Fellow-citizens: be it known that education is not taken care of: that education is not paid for; that the measures taken by the authorities are carrying the people straight to illiteracy, for which we are not responsible.

"And rather than countenance these measures, rather than view the magnitude of this failure with indifference, and thus become accomplices in this failure, they prefer to suspend their labors until the legislation of the country, and particularly that of the Federal District, may satisfactorily protect the rights of the Mexican people."

And the school teachers gave up their posts and the schools remained closed. Not a vestige of sympathy for the victims from

the interpreters of the Bolshevik Constitution of 1917!

The Secretary of the Treasury, a former school teacher and now a rich grandee—a very natural metamorphosis for one who extolled anarchy and its transgressions with the cynical slogan "revolution is revolution"—does not concede to his former colleagues the right to refuse to work without remuneration; he does not believe social interests to be hurt by the closing of schools of primary education. "The main question," he says, "is whether government employees can enjoy what may be called the right to go on strike, that is, the right to work or not, according to their judgment," for "a strike is a suspension of work with the object of bringing pressure to bear upon employers or capitalists by means of the damage that may be done to their interests by such suspension;" "the damage caused *is not even to society in general*, but chiefly to the children of the middle and lower classes who are the ones that attend the schools" and "the suspension of work tends to harm *not the governing class*, but the children of the poor and middle classes." (Interview given to "El Universal," Mexico, May 15th, 1919).

The Secretary of the Interior, "the proper official to whose vigilance is entrusted the upholding of the Constitution," classifies as "vicious in origin and arbitrary in action the strike called by the teachers," because "to admit the right of the teachers, servants of the nation, to go on strike, would from the Government standpoint be equivalent to such an absurdity as recognizing a strike of the State against the State," and "these ideas which are strictly logical and of obvious democratic discipline . . . are exactly in accordance with the categorical precepts of the various laws which govern us. In fact, the Supreme Code names as the exclusive prerogative of the Chief Executive, the right to appoint employees and to remove them freely, whether they are cabinet members or persons in the most humble positions; and the penal law punishes in very concrete terms the disobedience or carelessness of the employee who deserts his post, inasmuch as it is obviously impossible to leave to the whim or the convenience of the individual the discretional discharge of duties exacted by social progress." (Manifesto of the Executive, May, 1919).

Oh false one-time champions of the prole-

tariat; ingenuous priests of the Constitution of Queretaro, it is not love for the destitute classes who live by the fruits of their toil, nor a regard for social welfare which has impelled and continues to impel your actions, but covetousness, and grudges against successful men!

Obviously, it would be contrary to order and discipline in the public administration as well as prejudicial or dangerous to the nation, to recognize the right of government employees to go on strike as a coercive means for obtaining an increase in salary; because the appropriations for public expenditure are not, nor should they be, determined by the will or action of a certain social class, as for instance the employees, but rather they are, and should be, the expression of the national will manifested by means of the duly established legislative branch of the Administration.

Public employees, barring only those very exceptional cases where service is obligatory by Constitutional precept, are free to accept or refuse work as they are also free to resign it; inasmuch as "no one can be compelled to render personal services without his full consent." If the remuneration is not satisfactory, the remedy, as far as individual

interest is concerned, is to refuse the position or to resign it, and as far as the collective interests of good public service is concerned, the correction should be sought in political platforms, in election work, and in the use of the vote to elect to the legislative bodies men who are willing to vote in favor of just and equitable remunerations.

But the case which prompted the statements of the Secretaries of the Treasury and the Interior was not a strike of teachers called for the purpose of obtaining salaries higher than those set by law; it was especially and fundamentally called for the purpose of securing for those teachers a guaranty *that their labors would be remunerated as prescribed by law*, inasmuch as the Municipal Governments of the Federal District had shown that they were unable to pay such compensations, putting off the payment of the teachers' salaries until the month of September, 1918; and the Federal Government, after assuming those payments for some months, had finally resolved in April of that year to suspend them and let the school teachers die of starvation.

Under the terms of the Constitution of 1857, reiterated also by that of Queretaro, "no one

can be compelled to render services without just compensation," except in specific cases in which that of the school teachers was not included.

Therefore, in spite of being employees of the government, *they had the right to discontinue their services, since they were not remunerated* and sad experience gave them no guaranties that they would be remunerated in the future. Even the letter of the law, in the Bolshevik Constitution of 1917, supported them in their stand.

But the letter of the law is worthless when it is not animated by the spirit, and in the spirit of the Constitution of 1917, there is no true love for the poor but useful classes. In the soul of the government emanating from that Constitution, there is also no sympathy towards them; there is envy and there are grudges against other classes; there are ambitions of a faction which yesterday was without caste and today is feudal.

About two weeks ago the school teachers of Los Angeles gathered together and decided in view of the present high cost of living, to ask for a raise in salary, with the understanding that if it were not granted they would not renew their contracts for the next scholastic year.

This action of the teachers awakened nothing but sympathy among all the social classes and in every rank of community; and the Board of Education had to pass favorably upon the request.

Such is the course taken by governments when guided by considerations of equity and national interest; they submit to the dictates of public opinion.

In Mexico, the decision of the teachers to discontinue their services because their salaries were not paid, far from being favorably received by public officials, is classified as rebellion and as vicious behavior. At the same time that the Secretary of the Treasury denies to teachers the right to feed themselves and to live, a right which can be denied to no human being, the Secretary of the Interior feels no scruples against condemning the teachers to perish from starvation, because "the Federal Government was obliged to adopt the resolution recommended by the Secretary of the Treasury as a result of the increase in the salaries of the army." And the teachers not only fail to receive salaries, but are even threatened with criminal prosecution for leaving their posts.

From the Federal budget of 203,000,000

pesos* for the year 1919, deducting 25 per cent. discount made by the Government in salaries, we can calculate an actual expenditure of not more than 190,000,000 pesos, of which the amount of 134,000,000 pesos was devoted to the support of the army, to the support of a caste armed, voracious, insatiable and oppressive. And on the other hand, there cannot be spared annually 3,500,000 pesos for the maintenance of all the government schools in the Federal District.

*The Mexican peso is equivalent to about 50c. in U. S. money.

CHAPTER IX

It is a well-known fact that communal property has been the first legal form of land occupation when people have abandoned nomadic life to establish themselves in settlements. It is also well known that family property marks the second stage of this social institution. And, finally, no one is ignorant of the fact that in a higher state of evolution, family property has become individual property, and thus the latter is sanctioned by all modern peoples.

This transformation of landed property has not been a casual phenomenon. It is the inevitable result of the law of the economy of forces which governs super-human organisms as well as man and sub-human organisms.

Collective property stifles individual initiative, individual interest, individual intelligence; in one word, all of the motive forces which contribute to improved production. For example, in recent times we can cite those corporations endowed with entailed properties which strangle wealth by mortmain.

Individual property offers to the owner, the benefits which may result from his activity, intelligence and economy, and for that reason is the form most appropriate for stimulating the constant improvement of the land, its economic exploitation, and the increase of its produce. The result is not only beneficial to the proprietor but to the community as well.

The constituents of 1857, firm believers in individual property, recognized it, providing in article 27 that "private property cannot be expropriated without the consent of the individual.

Individual property is, nevertheless, a *social* institution; it is recognized not only because it is beneficial to individuals, but also because it is convenient and advantageous to society. Consequently, if society needs specifically certain property of public utility, it ought to have the right to take possession of it; otherwise, the interest of the individual would be above the interest of the community, and the right of the individual would surmount the right of the community.

The fundamental task is to find the equation which will limit to strict necessity the right of society to take possession of private

property without impairing the right of the individual more than is strictly necessary.

The Constitution of 1857 admirably solved this problem, subjecting expropriation to three conditions: the need of the property for public utility, the indemnification of the owner, and the payment in advance of said indemnity.

Public utility is the only valid reason for setting aside private utility; it is the only valid reason for converting private property into social property.

The legislative body, proceeding from an election, which represents all social classes and interests, and which has charge of defining these, is the body authorized to determine the public utilities. According to the Constitution of 1857, therefore, it belongs to the law, that is, to the legislative power, to determine the necessary requisites for expropriation among which is included the cause of public utility. The intervention of the legislative power in a really democratic organization removes the fear that expropriation may only serve as a pretext for a single man or a small group of men to despoil private citizens whether impelled by covetousness or unsound personal passions.

Naturally, from the moment when the democratic principles of a Constitution begin to degenerate, and by the granting of extraordinary powers the fundamental prerogative of law-making passes from the Legislative body to the Executive, the essential guarantee to private property disappears and in its place appears the first danger.

The second requisite is relative to the indemnity. In case of expropriation, society has an interest in taking possession of a specific property in order to convert it, also specifically, into an object of public utility. If there were any other way of obtaining the same service, there would be no necessity for expropriation. But, although the State has the right to take possession specifically of property, and to deprive the owner of its use and disposition because social interest demands it, this same social interest demands that the proprietor be *indemnified.* Only on that condition can man feel that his property is his own and have an inducement for improving its condition and productivity. From these facts, we deduce that indemnity must be real, effective and correspond to the commercial value of the property expropriated. If less is paid, the proprietor is not only dis-

possessed of his property, but he is also unjustly despoiled of a part of his patrimony.

The man whose property is expropriated, is not fully indemnified merely by having its value put to his credit, but it should be paid for *in cash, before* he is deprived of its possession. In that way there will never be plunder. Moreover, as long as society is obliged to pay the owner the real value of the property prior to its occupation, the power of expropriation will always be limited by the financial resources of the State, and this restraint will prevent abuse; but from the moment public authority is authorized to expropriate without previously paying the indemnity, there is no possible limit either to the determination of public utilities or to the consequent expropriations; in exchange for real property of great cash value, the State will contract obligations or will issue bonds which will depreciate the more the greater they are in amount. And the same thing will happen with expropriation that happens with inflated issues of paper money which, at bottom, are nothing more than plunder.

The Constitution of 1857 prescribed the aforementioned restraints against the abuse of

expropriation for it required the intervention of the legislators in the determination of the public utility; it indemnified the owner with the payment in cash of the real value of the property expropriated, and, finally, it exacted that the payment of the said indemnity should be in advance. Subsidiary laws demanded the appraisement by experts to determine the value in case of disagreement in the price, and went so far as to refuse to authorize even temporary occupation, unless the approximate value of the property had been previously deposited.

The Constitution of Queretaro contains no effective limitation to the right of expropriation other than to state that it is the duty of the legislative power to determine the cases where the occupation of private property is of public utility; but a very elastic law for the determination of those cases will suffice. Of this, we already have concrete examples in various States of the Republic where the Executive power, whether Federal or local, exerts the most stupendous discretionary power over private property.

In fact, as concerns indemnity, the paragraph immediately following part VII of Article 27 of the Constitution of Queretaro

states that "the price that shall be fixed as indemnity for property expropriated shall be based on the amount recorded as its fiscal value in the assessor's office, whether this value has been declared by the proprietor or simply accepted tacitly by his having paid the taxes on this basis. This amount shall be increased 10 per cent."

If there existed in the Mexican Republic a fiscal appraisement scientifically and systematically verified; if this fiscal appraisement showed with real exactness the value of each and every piece of real property, taking into account its location, its use, the composition of its soil, and other particulars, the rational and equitable basis for the expropriation of landed property would be the assessor's appraisement. But there is no fiscal census in the Mexican Republic; taxation there has been based traditionally upon the declaration made by the owner, especially in the case of agricultural lands; those declarations have never given the genuine value of the property simply because the proprietor who declared truthfully would have been sacrified to the rest. The men who drew up the Constitution of 1917 could not be ignorant of these facts if they knew anything at all, but in spite of

this, they fixed as a basis for indemnification in case of expropriation, the value declared for taxes or accepted for that purpose; that is, 25 per cent or at most 30 per cent of the real value, commercial or for exchange. The Assembly of Queretaro proclaimed, therefore, as one of the constitutional canons of the nation the systematic plunder of individuals under the semblance of expropriation.

Just as dangerous, and perhaps more so, is the unlimited power with which the State has been vested in the matter of expropriation, by the simple fact that the indemnity need not, according to the second paragraph of Article 27, be paid in advance. The State can expropriate today and pay in twenty years. Is this expropriation or spoliation?

It would be inexpedient, absurd, and even preposterous to re-establish communal ownership of land, as there is no doubt it would mean a return to the stagnation which characterized the mortmain; but it at least could be argued that by depriving individuals of their property, rightly or wrongly, the community could use it for the benefit of all.

The system adopted by the new constitution is worse, far worse, than the long-since extinct communal system. On the one hand

it recognizes the existence of private property, thereby failing to place all property, rightly or wrongly, at the service of the community; and on the other hand, all lands are virtually considered liable to seizure by the community. In this way, their value is reduced, the opportunities for their division and subdivision are removed, the investment of capital for their improvement, which is an indispensable condition by which they can be parcelled out, is prevented, and agriculture remains stationary. When the fondest hope in case of expropriation consists in receiving in worthless paper money nominally 25 per cent or 30 per cent of the real value of the property, it is humanly impossible to expect the owner to stake work or money on the land.

Therefore, the system of landed property under the Constitution of Queretaro is not properly individualistic, since it offers no real guarantee to the individual owner; neither is it communal, since it does not place property at the direct service of the community.

It is simply and solely a system of established spoliation, for it upholds, under the guise of a constitutional system, the program of seizure of property and robberies which the "armed citizens" carried through during the

period of revolution. And the "armed citizens"—who are today called public officials—have admirably interpreted the spirit of their constitution.

Alvaro Obregon, who knows his colleagues well and intimately, says that the leaders of the Revolution, "very especially those of the highest ranks," have diverged from the road of high principles "to follow that which leads to wealth and power, taking advantage of the prestige gained by combined effort, *to acquire fortunes and commit excesses,*" and "many of the men of high rank, both military and civil, have completely deadened the aims of the revolutionary movement" (I would say, had literally followed the purposes of the Carrancista movement) "devoting all their activities to acquiring fortunes."*

*See also the following statements taken from an interview given to "The Times," of Los Angeles, by P. Elias Calles, on April 26, 1920:

"During my short stay as a member of the Carrancista Cabinet I had the best opportunity to persuade myself of the immorality of government proceedings and how a corrupt coterie labors with such an unscrupulous man, headed by his chief of staff, Gen. Juan Barragan.

"Right there in the chief of staff's office, everything is a matter of speculation. They sell government positions and concessions of all kinds and robberies of the public funds are authorized; they speculate with the bonds of officers and chiefs of the army and even with the pensions of widows and orphans of soldiers of the revolution which are subject to a charge of a commission by the authorized Barragan."

CHAPTER X

At the end of the year 1916, the civil elements of the Carrancista faction, few and of little importance, had clustered around the only two centers of material force, the political, which was personified in Carranza, and the military, which at that time was controlled by ten or twelve generals of the powerful caste of "armed citizens."

Those who placed themselves under the protection of Carranza declared themselves opposed to militarism; but their real intention was to have Carranza gain the Presidency of the Republic, first having strengthened and increased the prerogatives of the President, because upon the political strength of their protector depended the success of their personal ambitions.

Such were the civil constituents that helped Carranza frame the Constitution, and, therefore, it is not to be wondered at that in it appear only one or two insignificant innovations for social and economic order. The main object of Carranza and his personal

friends was to organize constitutional tyranny so as to assure the greatest amount of political power. I shall discuss later on that part of the Constitution of Queretaro which increases the co-legislative prerogatives of the President of the Republic, which invests him with judicial powers, and which finally makes him immune even in the most serious cases of violation of the Constitution.

As to the armed caste and their civilian followers, little did they care about political power so long as they controlled the military force as if it were their private property. After having dedicated themselves during the revolutionary campaign to the work of plunder, devastation and seizure of property, what they sought was to organize those transgressions under constitutional law.

This explains why the so-called Liberal Constitutionalist Party, which was nothing more than the staff of the caste of "armed citizens" initiated and supported in the Congress of Queretaro the most radical measures against economic liberty, particularly against property, for their object in socializing property and labor was to place all the resources of the country under the control of their caste.

If the motives of these two groups of the Congress of Queretaro had been altruistic, neither the extremes of absolutism proposed in the political system by the First Chief nor the extremes of plunder and arbitrariness formulated in the economic social system by the neo-military caste would have been reached. One group would have served as a check on the other. But the Congress was, for the greater part, composed of men who had lost caste, and the temperament of its members is summed up in the following words of Congressman Manjarrez: "I think the Committee should accept the motion of Mr. Lizardi with all the more reason because the radical spirit of the Assembly, which applauds the suggestions of the Committee, *knows how to add to radicalism, but not how to subtract from it. Those things which are to be added are accepted, but not* those to be subtracted." (Diario de los Debates, Vol. II, p. 796).

Thus it happened that the personal protegees of Carranza who formed a part of the Congress of Queretaro allowed the most illegal measures against economic liberty and property to be passed, so long as they obtained political changes in favor of the Executive, and the armed soviets did not

object to these political changes so long as they assured success to their measure for spoliation.

Congressman Rouaix, in union with others, presented in the session of January 25th, 1917, an amendment to Article 27, part X, which declared in favor of the direct control by the nation of petroleum, solid, liquid and gaseous hydrocarbons, and other products of the soil or sub-soil. "The right of ownership thus conceived," says the amendment, "is notably progressive and allows the Nation to retain under *its dominion* everything necessary for social development, such as mines, petroleum deposits, etc., granting to individuals on that property nothing but the beneficial interests authorized by the respective laws. The first part of the text which we present for Article 27 gives a clear idea of what we propose and parts X and XI express very precisely the nature of the rights reserved." (Diario de los Debates, Vol. II, Ap., p. XXX).

Little urging did the reporting Committee need to adopt this veiled transgression, for in the session of the 29th of January it presented a new draft of Article 27 substantially incorporating into it the ideas of the above-mentioned amendment. As to the socializa-

tion of the petroleum, hydrocarbons, combustible minerals, and other substances of the soil and sub-soil, the Committee did not believe it necessary to incorporate the radical reform proposed, limiting itself to stating the following: "It is a principle admitted without contradiction that the eminent domain of Mexican lands belongs primarily to the Nation. That what constitutes and has constituted private property is the right which the Nation has ceded to individuals, *the granting of which cannot include the* right to the product of the sub-soil," (Why?—it is not said) "nor to the waters as routes of communication. In practice, great difficulties are encountered in trying to specify the natural resources which are eliminated from private property: the Committee considers acceptable on this point the ideas expounded by Congressman Rouaix". (Diario de los Debates, Vol. II, p. 772).

In consequence, the Committee proposed the following measures as part of Article 27:

"The direct domain over all minerals or substances which form deposits in veins, strata, lumps, or beds, the nature of which is distinct from the component parts of the soil, belongs to the Nation. Such are: minerals

from which are extracted metals and metalloids utilized in industry; deposits of precious stones, rock-salt, and the salt-pans formed directly by sea-water; products derived from the decomposition of rocks when their extraction involves subterranean works, phosphates fit for utilization as fertilizers; combustible solid minerals; petroleum, and all the carbonates of hydrogen—solid, liquid, or gaseous.

"In the cases referred to in the two preceding paragraphs, the domain of the Nation is inalienable and imprescriptible and concessions can be made by the Federal Government only to individuals or to civil or commercial companies formed in accordance with the laws of Mexico on condition that regular works for the exploitation of the referred-to elements be established and the requisites provided by law be complied with."

From a legal standpoint, the question which related to the products derived from the decomposition of rocks, phosphates, combustible minerals, solid, liquid or gaseous, including coal, petroleum, and hydrocarbonates, was simple. Not only the eminent domain, but also the civil, of all the national lands had belonged originally to the Crown

of Spain, and from it had passed, by virtue of the independence of New Spain, to the Mexican Nation. Therefore, when the direct ownership of the soil or the sub-soil of said lands was transferred to private individuals by grace, sale or special concession from the Crown or from the independent government of Mexico, *or, by general provision of the law, that soil or subsoil was converted into private property*, the Government could no longer claim civil domain, direct or indirect, over it, excepting only that domain which is known as sovereignty.

To refuse to recognize private property which by an act of the Crown or the national government had passed from civil ownership by the State was nothing more than unqualified spoliation.

Now then, such was the case with coal, petroleum, carbonates of hydrogen and other substances of the soil and sub-soil. The Nation, owner of these riches, *had renounced them and converted them into private property by an act of its sovereign will.*

The law of the 22nd of November, 1884, declared in its Article 10 that salts, *petroleum*, gaseous springs, and springs of thermal or medicinal waters, were the property of the

owner of the surface. From that time, therefore, the State ceased to be the owner of those substances and only under claim of expropriation and with the corresponding indemnity, could it have regained them from their new owners.

The law of June 4th, 1892, definitely declared, in its 4th article, that the owner of the surface could exploit freely, without necessity of concession, combustibles, oils, and mineral waters.

Finally, the law of November 25th, 1909, stated in its Article 2:

"The following are the exclusive property of the owner of the soil:

"I. Seams or deposits of combustible minerals in all their forms and varieties.

"II. Seams or deposits of bituminous substances.

"III. Seams or deposits of salts which come to the surface.

"IV. Superficial and subterranean waters subject only to what may be regulated by public rights and the special laws relating to water without detriment to the provision of Article 9.

"V. Rocks and other materials in the soil such as slate, porphyry, basalts, and calcium carbonate, earth, sand, and clay.

"VI. Marsh and alluvial iron, alluvial tin, and ochres."

Trusting to these legal precepts, extensive enterprises for the exploration of the carboniferous and petroleum zones of the country had been launched prior to 1917; immense sums of money had been invested in those enterprises, in the drilling of wells, the construction of buildings, the installation of machinery, pumping stations, oil ducts, wharves, and other accessories, the investments being estimated at something more than two hundred millions of dollars; the greater part of which was American, English, French and Dutch capital. In some instances, the surface of the land had been acquired in ownership; in other instances, contracts for the leasing or exploitation of the sub-soil had been closed, and the owners of the surface had been receiving incomes of varying amounts from rentals or royalties.

The proposed draft of Article 27 meant, consequently, not only an illegal spoliation of the individual owners of the lands, and for the same reason of the combustible wealth of the sub-soil according to the laws previously passed, but also a spoliation of the exploitation rights acquired by the concerns operating.

The draft was, in addition, of an eminently retroactive nature unless its application were to be restricted exclusively to those lands, such as waste and national lands, the control of which had not as yet been transmitted to individuals by the State, or public property or property of common use over which the State had not ceased to exercise direct ownership.

And the proposed amendment was not only despoiling and retroactive, but it was also absolutely anti-economic, because the country, impoverished by the revolution, needed the inflow of foreign capital, whereas the threat of socialization could have no other effect than to drive away new investments.

Finally, the amendment was most dangerous to the stability of national sovereignty because, as affecting foreign interests and rights in an injustifiable way, it must surely bring remonstrances from the respective governments.

Nothing, however, deterred the so-called Constituents of Queretaro. Paragraph 4 of the proposed new Article 27, in which was sanctioned the socialization of petroleum, coal, hydrocarbons, and other substances of the soil or sub-soil, was not even lightly discussed. *Upon being read once, the rules*

permitting debate were suspended and it was unanimously approved. (Diario de los Debates, Vol. II, pp. 786, 819). Furthermore, during the sessions of the 29th and 30th at which Article 27 was voted upon, not a few of the Congressmen fell asleep. "The Chairman," said the Secretary of the Congress, "begs the Congressmen *to keep awake*, for from the very moment that they voted to continue the permanent session, they assumed the responsiblity of voting upon this law; *as some of the Congressmen are asleep*, no one knows how they can consciously give their votes." (Diario de los Debates, Vol. II, p. 807).

Only over paragraph 6 of Article 27 relative to the conditions by which the State should agree upon the concession for utilizing the riches of the sub-soil and the other riches socialized under paragraphs four and five was there some discussion. But that debate was not because any one opposed the plunder, but because Congressman Ibarra claimed that the amount of royalty which the government was to ask from the grantees as compensation for the right of exploitation should be determined immediately. If this amount was not determined upon finally, it was because Congressman Rouaix, the instigator of the

project and Chairman of the Reporting Committee, declared this to be matter for subsidiary legislation.

" . . . I believe," said Rouaix, "that it is more expedient for the Nation to fix directly what may seem most profitable. At present, mines pay a certain per cent for exportation, and the Nation is authorized to charge up to one and one-half per cent; I do not think it would be convenient to fix right now the sum that should be paid to the Nation, but believe rather that the case should be studied thoroughly; then, with completeness of data, it could be determined what sum should be paid and whether taxes should be on the profits or only on the property." (Diario de los Debates, Vol. II, pp. 786-7).

"The Committee," adds its Chairman, Congressman Colunga, "does not deem it necessary to make a constitutional precept of the addition proposed by Congressman Ibarra, because it considers it *entirely a subsidiary question.* Moreover, the matter deserves discussion and *cannot be lightly passed upon;* besides, the mining law must be drawn up by the *Congress of the Union;* it is in that law that Congressman Ibarra's idea can preferably be incorporated without the

necessity of making it a constitutional precept."

In other words, the essential question, that concerning the exploitation of the owners of petroleum and coal and the retroactivity of the provision by which those owners were despoiled, *could be lightly passed upon without meriting discussion in the Assembly of Queretaro.*

The sentiment, essentially Bolshevik and Jingoish, which prevailed in that Assembly, is perfectly summed up in the following words of Deputy Jara: "I believe that the Committee is now in the right, it has played its part, it has attempted to defend the fatherland, and, finally, it has tried to secure the Mexican property-holder against the plunder to which he has been a victim in former years. The petroleum regions are very much coveted; many measures, many evil practices, many influences, are brought to bear so that ownership of these lands may be acquired; we have observed that a good part of the cantons of Tuxpam and Minatitlan have passed with extraordinary rapidity into the hands of *foreigners*, the natives receiving a ridiculously low amount. This property has passed into the hands of the foreigners under atrocious

and fatal conditions, to such an extent that any foreigner who has a small property for which he has paid a few dollars feels that, when his sovereign will is not done, he has the right to obtain foreign force to secure recognition for his rights of ownership acquired by a truly ridiculous amount of money. (Applause)." (Diario de los Debates, Vol. II, p. 789). And further on the same Jara adds: "Now is the time to take radical measures to correct these evils, now is the time for us to dictate solid and wise bases for action in the future, and to assure a bright prospect for the country, we should not be deterred by scruples, but, rather, we should go forward. If we are to have international difficulties because some chapters of the Constitution are distasteful to foreigners, we shall not escape these difficulties by omitting some chapters, nor will the difficulties be increased if we add another chapter; rest assured that if through perfidy or through eagerness for expansion, they wish to oppose the carrying out of this proposition, with our Constitution or without it, this country will come to war; therefore, let us not be deterred; let us as Mexicans perform our duty, and on signing our Constitution, let us fix our eyes

only on our own tri-colored flag and not have before us that of the Stars and Stripes. (Applause)." (Diario de los Debates, Vol. II, p.791).

Much to our sorrow, we know the result of this Constitutional amendment; instead of asserting the dignity and sovereignty of Mexico, it has brought the country to the brink of international conflicts; instead of assuring its prosperity, it has diminished, in fact, almost annihilated, its power for drawing foreign capital.

Weighed down by economic penury, harassed by the diplomatic protests of the American, English, and French Governments in their notes of April 2nd, June 29th, April 30th, and May 13th, 1918, respectively, the Carrancista Government has done nothing but commit errors in the petroleum matter.

It issued its decree on the 19th of February, 1918, modified it on the 18th of the following May, changed it again on the 8th of July, and the 8th of August of the same year; issued the decrees of July 31st and August 12th and, finally, in December of last year submitted to Congress for approval a proposed by-law to Article 27 without satisfying the foreign governments whose attitude is that the right

of ownership of the sub-soil which legally belongs to the owners of the surface, be respected, and that the legitimacy and irrevocability of the contracts for lease and exploitation closed by those same owners, be likewise recognized.

And the Carrancista Government has had to bear a suspension of relations with France and England, the slight to Ambassador Pani, who was made to wait four months in the antechambers of the Quai d'Orsay, the exclusion of Mexico from the League of Nations, and the mendicant mission of Candido Aguilar, son-in-law of Carranza and confidential envoy to the Department of State in Washington, who went to the American Capital to learn under what terms the proposed Petroleum Law would be acceptable to it.

Such have been the deplorable results—and we do not as yet know what extremes they will yet reach—of the Bolshevik and Jingoish spirit of the so-called Constituents of Queretaro, well synthesized in the fourth and sixth paragraphs of the famous Article 27 of the Constitution of 1917.

CHAPTER XI

We must now turn to the analysis of the provisions contained in Sections I and IV of Article 27 which introduce certain legal incapabilities for the acquisition of landed property.

These sections read as follows:

"I. Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters and their appurtenances, or to obtain concessions to develop mines, waters or mineral fuels in the Republic of Mexico. The Nation may grant the same right to foreigners, provided they agree before the Department of Foreign Affairs to be considered Mexicans in respect to such property, and accordingly not to invoke the protections of their Governments in respect to the same, under penalty, in case of breach, of forfeiture to the Nation of property so acquired. Within a zone of 100 kilometers from the sea-coast, no foreigner shall under any conditions acquire direct ownership of lands and waters.

"IV. Commercial stock companies shall not acquire, hold or administer rural properties. Companies of this nature which may be organized to develop any manufacturing, mining, petroleum or other industries, may acquire, hold, or administer lands only in an area absolutely necessary for their establishments or adequate to serve the purposes indicated, which the Executive of the Union or of the respective State in each case shall determine."

Nobody can deny to a Nation the right to restrict either by its constitution or by its subsidiary laws, the foreigner's legal capacity to acquire landed property. International tradition and doctrine as well recognize such right.

It is also indisputable that the Nation has the right of determining by either its constitutional or its subsidiary laws under what conditions corporations of any kind may be formed and to what extent their capacity to acquire or hold real or personal property shall be limited or denied for the welfare of the community.

The important thing is to know whether these restrictions redound to the social welfare or whether they place obstacles in its way.

The restrictions against the acquisition of real estate by foreigners can be upheld on the ground of economic order. Such, for example, is the attitude in the State of California towards the Japanese, whose commercial competition is considered detrimental.

Again, the restrictions may be founded upon reasons having to do with the foreign policy, whether of reprisal or with a view to preventing in certain regions the formation of foreign colonies which might easily give rise to international complications. For that reason one of our fundamental policies for the preservation of public order has been to prohibit foreigners in general from acquiring property in the frontier zones.

Section I, Article 27 which relates to the direct domain over lands and waters within a zone of 100 kms. along the line of the frontier, reproduces the prohibition already established by subsidiary legislation. However, in the new Constitution the prohibition is *absolute*, while our previous laws authorized the Executive Power to concede permits in exceptional cases.

The section we have been considering furthermore prohibits all foreigners to acquire lands or waters situated within a zone fifty miles from the sea-coast.

As the Mexican coasts have a length of 8,330 kms., the prohibited zone covers 441,500 square kilometers, or 22% of the total area of the Republic, which, added to the frontier zone of 100 kilometers also prohibited, embraces 40% of the total area.

Over this enormous surface lie rich lands fit for agriculture and cattle-raising. It contains also great latent industrial potentialities, for beneath it are rich beds of mineral ore, coal and combustible liquid.

The development of all these riches is of the greatest importance to the country and whatever tends to thwart it retards the progress and detrimentally affects the welfare of its inhabitants.

Could it possibly be argued that our extensive frontier zone and our still more extensive sea-coast zone, deprived of the benefits of foreign capital are already being exploited or are on the road to complete development? Or could anyone assert that national capital has already acquired the spirit of enterprise, or that it is sufficient in amount to supplant foreign capital or make the investment of such unnecessary?

The framers of Section I of Article 27 did not ask themselves these questions nor did

they believe them pertinent. Had they sought facts, they would have learned that a great portion, or rather the greater portion of the frontier and sea-coast zones is wholly or largely undeveloped through lack of money; they would have ascertained that Mexican capital which only yesterday began to quicken with a new impulse of commercial and industrial life, today is absolutely idle as a result of the revolution, and, finally, they would have realized that all Mexican capital combined is but a drop in the bucket when compared with the immense amount of money which our latent resources require for their development.

Section IV, above quoted, of the same Article 27, aggravates still further a situation which in itself is baneful enough.

Referring to the provisions of the Constitution which prohibit all civil and commercial enterprises from acquiring ownership of rural property, the First Chief says in explanation: "The need of this change is self-evident, for no one is unaware that the *clergy*, incapable of acquiring landed property, has mocked the prohibition contained in the law by hiding behind stock companies; and as these companies have undertaken the busi-

ness of acquiring extensive lands in the Mexican Republic, it has become necessary to place a quick and effective check upon this evil, otherwise it would not take long for our land to be, openly or under cover, in the hands of *foreigners*." (Diario de los Debates, Vol. I., p. 265.)

Thus it was that with the sole purpose of preventing religious institutions and foreigners from evading the constitutional restrictions, the First Chief proposed that there should be denied to every kind of corporation or company the right to acquire rural lands, although such denial could not but put an end to all agricultural progress.

It was fortunate that the Assembly of Queretaro confined this prohibitive clause to stock companies, and that in spite of identity of purpose, it did not make it include urban property, factories, foundries and industrial plants of various kinds.

In the last years of peace and tranquility, the formation of stock companies brought about powerful help in the way of irrigating, improving and cultivating lands. Along the whole length of the frontiers and coasts and in the interior of the Republic, there are scattered important enterprises which were

organized as stock companies and which are responsible for the launching of prosperous agricultural undertakings where formerly there were only deserts or untilled lands.

As proof of this assertion, we can point to the cotton fields of Lower California and the basin of the Nazas; the sugar-cane plantations on the slopes of Sinaloa and along the Gulf of Mexico; the coffee plantations in the tropical regions of Vera Cruz, Oaxaca, and Chiapas; the great saw-mills turning out wood of common use in all parts of the country and those milling rarer woods in the isthmian region and the State of Tabasco, and many other enterprises of similar character.

All these are prohibited in the future!

Bolshevik logic, Jingoish logic, permits of no debate. Rather than allow the Catholic Church, which recognizes as its head a foreign Pope, and rather than allow men of enterprise from foreign countries to acquire any right whatsoever in Mexican land, four-tenths of the native soil must remain barren and fifteen million Mexicans must continue to go hungry and naked.

CHAPTER XII

As we have pointed out in the preceding chapter, Section IV of Article 27 of the Constitution of 1917, is one of the most formidable existing obstacles to the agricultural development of Mexico, particularly in the coast and frontier zones.

However, the baneful effects of that section go still further, for they extend to all enterprises organized for manufacturing, mining, the extraction of petroleum and similar industries.

The First Chief orginally drew up this section in the following terms: "Civil and commercial companies may possess, within or without the limits of any town, urban properties, factories, industrial enterprises, plants for the exploitation of minerals, petroleum or any other substances of the subsoil, as well as railroads and pipe-lines; but they cannot acquire or operate rural properties in a larger area than that strictly necessary for the purposes above mentioned, which area shall be fixed by the Executive in each instance."

The text finally approved by the Assembly of Queretaro reads as follows: "IV. Commercial stock companies shall not acquire, hold or administer rural properties. Companies of this nature which may be organized to develop any manufacturing, mining, petroleum or other industry, excepting only agricultural industries, may acquire, hold or administer lands only in an area absolutely necessary for their establishments or adequate to serve the purposes indicated which the Executive of the Union or of the respective State in each case shall determine.

The approved clause, therefore, confines only to commercial stock companies the inability to acquire rural lands while the proposed clause included all kinds of companies, civil as well as commercial. But, although from this point of view the approved restriction is less of an obstruction than that proposed to the Assembly by the First Chief, on the other hand it allows greater opportunities for abuse, since it confers not only upon the Executive of the Nation, but also upon the Executives of the States the power to limit the area of the lands permitted to be acquired for undertakings not of an agricultural nature.

A mining enterprise, a foundry, any industrial plant whatsoever, needs vast areas of land, determined in accordance with the nature or importance of the business, for the installation of machinery, the building of side-tracks, the erection of warehouses, office buildings, dwellings for the laborers, and other requisites.

And in the case of many mining enterprises, plants for working and refining the ores must also be erected when transportation for such purpose is impracticable.

For other enterprises, the amount of land required is even less easily to be determined. For the extraction of petroleum, for instance, the construction of tanks erected at points determined by experts is necessary and rights-of-way for the laying of pipe-lines from the wells to the storage tanks, and thence to the places of shipment, are first requirements.

The area allowed any of the industrial plants mentioned affects primarily the success or failure of the enterprise because the plant must be a harmonious unit, and the incapacity of any one part must necessarily reduce the working efficiency of the other parts.

It will avail nothing for a mining concern to uncover abundant ore deposits, if it can-

not hold enough land for a refining plant, when the quality of the ore is poor and cannot stand the cost of transportation. This means that if the enterprise does not possess enough water on its own land for working the metals, it is obliged to get it somewhere else, even though to do so it must acquire the water-bearing lands and construct aqueducts over one or several properties.

It would be useless for a petroleum company to sink oil wells of great promise if it has not the land necessary for storing the product and removing it from the place where it flows to the railroads or steamers which must carry it to the markets.

Nevertheless, the constitutional restriction which we have been considering, places all these enterprises at the mercy of the arbitrary judgment of the Executive, whether of the Nation or of the States.

In other words, it will not be the organizers or managers who will be the judges of the land area necessary for the success of the business, but irresponsible public officials in whom class prejudices, political animosities, or a desire to defraud, will give rise to grave errors and injustices.

Let the President of the Republic, or the

Governor of a State, availing himself of the power which the Constitutional law gives him, limit to less than a required amount the land to be allowed an industrial plant, and failure will inevitably follow.

Furthermore, on starting a business, not only the present is to be taken into account-such short-sightedness would be unthinkable in men of enterprise — but also, and much more seriously, the future with all the prospects of development which it holds.

If the Executive, Federal or local, has a restricted vision, he will concede to this class of enterprise only the area of land essential for their actual needs, and will thus condemn the business to remain stationary, when it is to the interest, not alone of the capitalists, but of the country as a whole, to encourage constant progress and the increase of productive labor.

Not a few industrial plants in the Mexican Republic are installed in isolated places, having no access to public highways or railroads, and consequently are forced to supply, of themselves, the daily wants of their people. We have numerous enough examples of industrial enterprises which have found themselves obliged to undertake farming work in

the center of uncultivated lands so as to provide their employees with vegetables, milk and other perishable foods. The production of these articles of prime necessity cannot be left to contingencies dependent upon the individual efforts of the occasional farmer who may settle there. Such production is indispensable to the existence of the community built up by an industry, and this industry must commercially depend only upon itself if it does not want to run the risk of having its work abandoned for lack of articles needed for the sustenance of its employees.

In the case of these isolated industries, as in those previously mentioned, the result often is that the enterprises are implacably sacrificed to an oppressive bureaucracy.

Experience has likewise shown that some industries need certain agricultural products, the cultivation of which is just beginning or is not known in the country; such is the case with hops and malt barley, essential to the manufacture of beer. If they are not to exist precariously, it is necessary for the industries to encourage and even to undertake on their own account those branches of agriculture upon which they are dependent.

The constitutional law which we have been

considering, definitely stands in the way of such a solution of the problem.

The objections to this law could be multipled, but all can be resolved into one conclusion; the immediate success, and more than that, the future development, of industrial enterprises of any character, is made dependent upon the arbitrary judgment of one irresponsible public official, inasmuch as the President of the Republic and the Governors of the States — not the managers of the industry — are empowered by the Constitution to measure and judge the technical needs of those enterprises.

It is unthinkable that the productive capacity of a country should be limited by the errors, prejudices or passions of this or that public official, and it is likewise unthinkable that the development of its potentialities should depend upon the will of a tyrant-in-chief and twenty-eight sub-tyrants even though we suppose them incorruptible.

But we must not forget what these men are and have been; what lusts launched them into the revolution; what numerous evidences of voracity they have shown during their tenure of office; nor must we forget that if, in every public administration, there exist corruptible

elements, these are innumerable and unbridled where, as in Mexico, there is not the restraint of public opinion. A precept, therefore, which places in their hands the success or failure of immense capital invested in industries cannot but be, as it has been, an irresistible instrument of abuse, extortion and betrayal.

CHAPTER XIII

In the analysis of Article 27 of the Carrancista Constitution, it remains for us to consider the problem of the distribution of land.

There can be no doubt of the existence of this problem nor of the fact that its solution is urgent, if there is a desire to increase the possibilities of agricultural productivity and stably improve the condition of the rural masses. But in order to solve it properly, it is necessary to examine its very roots with the impartiality of a scientific study, and not attend merely to the surface. Solely in that way will the cause of the evil be removed, and more serious evils avoided than those which are to be corrected.

The unequal distribution of lands in the Republic of Mexico originates in the form in which these lands were reduced to private property during the colonial period.

Taking as a basis the famous bull of Pope Alexander VI, which gave to the Crown of Spain as civil property, and at the same time gave it political dominion over the territory

west of the Pontifical Meridian, the system adopted by the mother country embraced five general kinds of grants, to-wit:

1. It recognized the right of established native towns (pueblos de indios), to the lands of which they were in communal possession at the time of the conquest, and it favored the conquest or submission of wild Indians by the creation of new towns endowed with patrimonial lands. These endowments consisted generally in the "fundo legal" (townsite) destined to serve as the seat of the manor house with its church and public square; in those lands, "de repartimiento," which were distributed among the families of natives for their use, and in "ejidos" which were lands for the common use of inhabitants. Occasionally, also, it comprised, under the name of "parcialidades," certain lands allotted to Indians, the products of which were to be used for specific communal expenses. The natives were forbidden to dispose of the lands which had been assigned to their heads of family.

2. It conceded to this or that conqueror the ownership of extensive lands as a reward of his achievements. Thus, for example, the "Marquisado del Valle" entailed to the de-

scendants of Hernan Cortez, extended over several thousand square leagues, from the high plains of the Central Table Lands to the shores of the Pacific.

3. It gave to the Spaniards, under the name "encomiendas," certain kinds of fiefs granted for life and comprising extensive lands; also it conferred upon them the right of exploiting said lands in consideration of their agreement to give instruction in the Catholic religion and doctrines to the native rural population. These fiefs made the inhabitants (encomendados) veritable slaves of the soil; the greater part of the fiefs became hereditary patrimonies and inertia, aided by traditional conservatism, served to perpetuate the servitude of the native peons.

4. It rewarded soldiers — cavalrymen and infantrymen — with relatively small grants of land under the name of "caballeria" or "peonia," to be cultivated by the grantees in compensation for their services.

5. Finally, it transferred lands to individuals by means of a legal instrument of conveyance. These transfers which are the origin of the greater part of Mexican rural property, embraced immense territorial areas owing to the small consideration for which they were made.

The sales, grants, allotments and, in general, all transfers of land made during the colonial period always had the very serious defect of describing the property in vague and obscure terms, many times indicating only the location and area. This fault was not corrected when possession was granted owing to the ambiguity of measurements, boundaries and points of record.

The balance of the lands not transferred, remained civil property of the Crown of Spain, and for that reason, as the mother country was continually in need of resources for its constant wars, there was introduced the abusive system of revision ("composicion") of titles for the purpose of adjusting the amount of land held by the owners to the dimensions fixed by the said titles and settling the surplus through the payment of certain sums of money.

Such is the origin, open to censure from all points of view, of the system of alienation, revision, measurement and survey of land, which rendered property uncertain, all titles defective, and what is even more serious, all possession contestable, giving cause or pretext for frequent spoliation.

From that time, with the exception of landed property awarded to towns, territorial

property in what is today known as the Mexican Republic was marked by "latifundia," that is, by lands of considerable area not available for cultivation — except to a minimum degree — by its proprietors, a condition which was accentuated in the course of years, thanks to unlimited entailment carried through by the Church in spite of all the restrictions of the "Leyes de Indias" (Statutes for the colonies).

It is well to quote, in confirmation of what precedes, the following data taken from that very excellent treatise of Jose L. Cossio, entitled "How and by whom Rural Property in Mexico has been Monopolized."

According to these data, the entails (vinculaciones) created during the colonial government embraced immense areas of land. There is no need to mention the estates of Ibarra, of the Marshals of Castilla, of Flores Valdez, of the Marquises of Salvatierra, of Urrutia de Vergara, of La Llave, of Higuera, of the Counts of Santiago de Calimaya, of the Marquis of Peduguera, of the Counts of Casa Rul, and others of less importance. Suffice it to say that the estate of the Marquis del Valle extended over the Valleys of Mexico, Toluca, Cuernavaca, and Oaxaca, embracing

also part of Vera Cruz and some of the state of Guerrero; that of the Count of el Valle de Orizaba covered seventy-six haciendas in the states of Vera Cruz, Hidalgo and Puebla; that of the Count of Regla twenty-four haciendas in addition to eleven unentailed ones situated in various states; that of the Count of Sierra Gorda covered enormous areas in the State of Tamaulipas; that of the Marquis of San Miguel Aguayo more than two hundred and ninety-nine square leagues in the district of La Laguna alone and that of the Marquis of Guadalupe more than two hundred. (*)

The number of haciendas scattered over the whole country, which fell under the decree of confiscation of Jesuit property issued by King Charles III of Spain amounted to one hundred and twenty-eight.

Baron Humboldt calculated in 1808, that four-fifths of the land belonged to the clergy; Doctor Mora estimated their holdings in 1833 at $179,000,000; Lucas Alaman considered that the said property represented not less than one-half of the value of the whole land and Miguel Lerdo de Tejada appraised it between $230,000,000 and $300,000,000, a

*One square league is approximately equivalent to seven square miles.

valuation which coincided with that of Lucas Alaman.

It is true that these enormous areas of land were subdivided by virtue of the disentailment laws passed at the beginning of the 19th century by the Spanish Congress and ratified by the independent government of Mexico, as also by the disentailment and nationalization laws enacted during the period of the Reform; but even though the mortmain was ended, there still remained intact the immense haciendas formerly affected by it, for neither the disentailment nor the nationalization was accompanied by the subdivision of rural property except in the case of the lands of the "pueblos."

The evil, however, did not stop there, but rather was brought to an acute crisis by the erroneous policy relative to contracts of survey and colonization which President Diaz developed during his administration.

From 1881 to 1889, the surveyed lands reached 32,240,373 hectares (*) of which 12,693,610 hectares were awared to the surveying companies in payment for surveying expenses, and 14,813,980 hectares were sold or promised — the majority of them to the

*Each hectare is equivalent to approximately two and one-half acres.

surveyors themselves. It is worthy of note that the number of individuals and companies benefited by these contracts according to the "Boletin de Estadistica" of 1889 *was only 29.*

Under similar conditions 12,382,292 hectares were surveyed from 1889 to 1892 and from 1904 to 1906 titles to the number of 260 and covering 2,648,540 hectares were issued to surveying companies and 1,331 titles to national lands embracing an area of 4,445,665 hectares were executed.

The deals of the surveying companies transacted during the years 1881 to 1889, entailed, consequently, into the hands of twenty-nine individuals or companies 14% of the total surface of the Republic and during the five subsequent years a few other companies monopolized 6% more of the total area. In other words, altogether one-fifth of the whole land area was monopolized by not more than fifty proprietors.

On the other hand, the division of "ejidos" (common lands of the native towns) made during the years from 1877 to 1906 embraced only 19,983 titles and a total of 583,287 hectares. Assuming that the "ejidos" of each town included approximately 1750 hectares, it would reach a total of 330 towns,

when the number in the Republic was 5,213.

And from 1898 to 1906, 357 titles covering an area of 57,421 hectares were granted to poor laborers.

Truthfully speaking, all the surveyed area consisted of unimproved lands, many of them deserts, others absolutely unfit for agriculture, and a few, very few as a matter of fact, with good irrigation. The system of survey and colonization which brought about this immense monopoly of land was, nevertheless, a serious error, because on the one hand, under the protection of the respective concessions there did not fail to be encroachments upon the small landowners whose titles and measurements were defective, and on the other hand, those areas of land undoubtedly lacked the individual attention of the majority of the Mexican people, no care having been taken to see that the grantees developed effective works of irrigation and improvement nor much less that they put into operation that fountain of wealth.

Such, then, is the origin of the great "latifundia" existing in the Republic and of the very limited importance of the small and medium rural property.

But the persistence of those "latifundia"

through the economic progress of the Nation, must be imputed to two coincident causes, namely: lack of capital, and lack of personnel adequate for the agricultural exploitation of smaller tracts.

Mexican land, on the average, is not exactly rich, in spite of the belief to the contrary which has prevailed for a long time. From the work of the notable Mexican economist, Carlos Diaz Dufoo, entitled "Mexico and Foreign Capital," we quote the following facts:

"Owing to its variegated configuration, Mexico presents a heterogeneous pluvial system. According to Mr. Beltran y Puga, Engineer, there are five zones:

"The first embraces lands in which precipitation is less than 250 mm. It is a large land zone in the deserts of Sonora, Chihuahua, and Baja California, extending southward to 24° latitude, in the Central Table Land. Its area is 296,000 square mms. *(15% of the area of the Republic).

"In the second zone, the pluvial precipitation varies between 250 mm. and 500 mm. It comprises part of the States of Sonora, Chihuahua, Durango, Aguascalientes and San

*One square k. m. is equivalent to approximately 250 acres.

Luis Potosi. It embraces 340,000 square kms. (17% of the National land.) It is not a zone suitable for agriculture either; it can be compared in its pluvial system to La Mancha (Spain), a region which none will presume to call desirable for agriculture.

"In the third zone, the precipitation is between 500 mm. and 1 meter. This zone embraces the coasts of the Gulf of Mexico, and from the Pacific Ocean, the highest part of the Central Table Land to the east of Oaxaca and to the western part of the peninsula of Yucatan. Its area is 848,000 square kms. (42% of the area of the Republic). Its pluvial system, very superior to the other two, presents conditions favorable to agriculture although not on that account does it surpass some districts of Europe, as the western part of England, the Mediterranean coast of France, etc., and even these cannot be said to have the best supply.

"The fourth zone has pluvial precipitations of between 1 and 2 meters and embraces the southern coasts of the Gulf of Mexico and of the Pacific Ocean, and the eastern part of Yucatan. Its area is 424,000 square kms. (20% of the area of the country) and may be compared, as to rains, with the North of Spain,

the eastern coast of Australia, some districts of Chile, the west coast of Norway, and the plains which extend over the foothills of the Alps. Unfortunately this precipitation is not invariable and there are years in which it diminishes considerably.

"The fifth, finally embraces small portions of the coasts of Vera Cruz and Tabasco on the Gulf of Mexico, and the coasts of the State of Chiapas on the Pacific covering an area of 43,000 square kms. In this zone the rain-falls are torrential.

"The French writer, Raul Bigot, engineer of arts and crafts of the College of Paris, who has visited our country, in his "Notes Economiques sur le Mexique" asserts that over a surface of 198,720,000 hectares, the country presented at the end of 1903, 39.6% of its land area utilized in the following form:

Cultivated hectares, not under irrigation	10,605,887
Cultivated hectares, irrigated	1,550,980
Cultivated hectares	12,156,867
Hectares of pastures	48,762,849
Hectares of forests	17,786,715
Total	78,706,431

"The 12,156,867 cultivated hectares represent a little over 6% of the land area."

Of the extensive zones subject to contracts

of colonization only insignificant lots can be used for cultivation. All efforts made, whether by the government or by private enterprises, failed for reasons not worthy of mention here.

In virtue of the law of 1894, the said zones almost as a whole were relieved of the condition relative to colonization, the Federal Government extending the title of ownership pure and simple pending additional payments, generally made by the grantees. It can be said with relation to these zones that the greater part, if not all, were transferred in a "bona fide" manner to a third party. Only a small area of these lands has been cultivated owing in some localities to a scantiness of population, in others to aridity of soil, and in not a few to both circumstances combined. The greater area has been devoted to cattle-raising, but the rest, which is quite considerable, still remains uncultivated.

Of the zones awarded to the surveying companies in payment of surveying expenses, all were held in fee simple and their exploitation carried out under conditions similar to those affecting the lands alloted for colonization.

Rural properties acquired as stated in this chapter, whether of the colonial era, or in the

independent period, occasionally were subdivided by means of hereditary transfer. But, frequently, such transfer amounted to keeping the property technically undivided in shares although actually distributing it in specific parcels of land to the successive generations, and this practice resulted in an insufficiency of titles and documents difficult to validate. Such was the occasion for the spoliation committed by surveying companies and by claimants of waste lands since the laws on the matter did not provide an effectual manner of establishing ownership without the existence of a proper instrument of conveyance.

The balance of the landed estates were conserved in the form of large haciendas worked to a small degree as agricultural enterprises, and much more so for cattle raising, but barren in their greater surface owing to that same lack of irrigation already spoken of, and also, in not a few instances, owing to the want of easy access to the markets of consumption."

Generally short of ready money, and devoid of the spirit of enterprise, it was only the exception among those great landowners who attempted to improve his lands with works of

irrigation, and country roads or with the application of fertilizers and modern methods of cultivation.

Consequently, the average productivity of Mexican lands according to statistical data is and has been positively poor.

In more populated regions and with elements of irrigation — of which the basin of the Nazas, the Bajio, and a large part of Jalisco can serve as an example — the medium sized and also the small property could be created. In most instances, however, large estates were parcelled into lots by their owners and granted to farmers for exploitation under lease contracts or on a crop-sharing basis (aparceria).

With the above exceptions, the farming work was done by means of peons who are, as a whole, of mixed race or natives, true serfs of the soil, condemned, through lack of education, to live precariously from hand to mouth, ignorant, devoid of a spirit of economy and foresight, slaves to routine and lax in work.

During the last years of the Diaz administration, contracts of irrigation were closed with several enterprises, the principal condition of which was the division of lands and sales in small lots. The carrying out of those

contracts just barely began, for the majority of the enterprises were surprised at the very beginning of their labors by the revolution.

Finally, as to native property, it was respected, sanctioned, and improved by the laws of the Indies and confirmed by native legislation. Thus it subsisted until the period of Reform when the disentailment of public land of the Indian towns (pueblos) and its subdivision and allotment to the heads of families was ordered. It has already been stated that on executing these laws barely 19,883 deeds were issued with a total area of 582,237 hectares, insignificant in comparison with the nine million hectares which should legally correspond to the native communities existing at the beginning of this century.

Of the native grantees of parcels of said communities, not a few hastened to sell what had been apportioned to them; others, if we believe general opinion, were despoiled of their property by the Indian Chiefs of the locality.

It also seems certain that of the balance of common lands which were not divided and allotted to the residents, a good portion was subject to usurpations, or rather, to successive encroachments by the surrounding large

owners, giving cause for cruel antagonism between "pueblos" and owners of estates and the fixed conviction of the native race that it had been infamously despoiled.

In this connection, however, it is timely to make it clear that in answer to the petitions for restitution presented by the people to the various agrarian commissions according to the official report submitted to the Federal Congress by the government of Carranza, only 21,284 hectares have been granted by way of restitution, so that it has been necessary to concede endowments, equivalent to 86,746 hectares.

This study of the private agricultural property, as far as concerns its owners, condition, possibilities, form of cultivation, and men available to work it, discloses two aspects in the land problem, namely: that of the redistribution of land and that of restitution.

The first, which is the more important, may be summed up as follows:

There exist immense areas in the form of "latifundia" which were created by laws duly enacted and grants from legitimate authorities. Those properties establish undeniable rights of ownership on account of their legal

origin, also by prescription, and, if we desire further reasons, were sustained, in the majority of cases, by principles of equity in favor of bona fide third acquirers.

A minimum part of such latifundia is irrigated and together with all other private properties under irrigation makes only eight-tenths per cent of the total area of the country. On the other hand, the lands farmed without irrigation works scarcely reach altogether much more than five per cent of said total area.

As far as the lands of the "pueblos" are concerned, their area, approximately equivalent altogether to four and one-half per cent of the total surface of Mexico, is almost entirely devoid of irrigation works and is unsuitable for agriculture.

The relatively small number of tenants and "aparceros" (crop-sharing farmers) who have already acquired the habits and aptitudes indispensable to free farm hands could well and conveniently be changed into the personnel for parcelled lands.

It would also be well to add to this personnel that of the natives who have kept on living in their old towns and communities devoting themselves to labor in the fields;

but it should be under the express condition of not abandoning them at first to their own efforts and resources, for, even though there exists in them the embryo of an autonomous farmer, nevertheless a great effort of education and helpfulness is necessary to make them get out of the rut, familiarize themselves with modern methods, implements, and fertilizers which are necessary to intensive agriculture, create in them habits of economy, and, finally, finance them in their first efforts.

Under this aspect of the problem, its solution is not simply to be found in laws which may declare of public utility the division and distribution of lands. Those laws are not new; many have been enacted since Mexico became independent, for the development of its agricultural wealth has been the constant concern if its public men.

In confirmation of this assertion, we can cite the decree of January 4th, 1823, upon foreign colonization; that of July 4th of the same year upon the distribution of lands to the members of the standing army; that of the 30th of the same month ordering the distribution of San Lorenzo among the residents of Chachapalcingo; those of the 19th of July, 6th of August and the 18th of September of

the following year upon the assignment of national lands to the defenders of the country; the most important and general one was that of the 14th of October, 1823, upon the division of lands in the Isthmus of Tehuantepec and others too numerous to mention.

What is more needed than laws, is a plan, clear and thoughtfully conceived, for the gradual acquisition by purchase or expropriation, on a cash basis, of lands adaptable to subdivision; a policy of well thought-out contracts of irrigation with the same object; the improvement of lands for works of this nature and construction of roads; practical and regional propaganda for the spread of modern agricultural knowledge and the erection of adequate official and extra-official institutions for providing the capital necessary for permanent works as well as for supplies to laborers and the equipment suitable for the lands when they are divided.

The basis of this program must be the recognition of rights acquired, pending real indemnity and not simply promises of payment in case of expropriation; because there is no indemnity, property ownership ceases to be a respectable and respected right. Under such conditions, on the one hand its

value depreciates, and on the other the capital necessary to work it will be driven away to seek less precarious and more profitable investments.

The second aspect of the problem, that of recovery against unjust spoliation of lands is rather ethical-social than agrarian. All these restitutions added together would not contribute to the agricultural industry a substantial proportion of lands suitable for cultivation and they would leave the problem unsolved, for we have seen that the lands technically belonging to the "pueblos" would reach four and a half per cent of the national territory.

There is no doubt, however, that it is imperative to give satisfaction to this claim of justice; but it is necessary to do it without undermining the two bases which support the right of ownership; the res adjudicata and the prescription. It is necessary to do it without converting the despoilers into despoilees.

The institution called upon to give each one what belongs to him is the judicial branch of the administration; to it, therefore, should be referred the power of acting upon all questions relative to restitution; and if the actual laws of procedure are slow, cumbersome, and

costly, if in them technicality predominates over equity, it is necessary to modify them in such a way that the tribunals, in full knowledge of the transaction, may decide easily and justly whether it is a case of restitution without compensation to the expropriated party, or one of expropriation in order to make settlement upon the claimant pueblos.

Such is the form in which the Congress of Queretaro should have considered the two fundamental problems relating to private ownership of land; that of equitable redistribution of this wealth and that of restitution.

The Congress of Queretaro was not a body of men level-headed and capable of discriminating between the just and the unjust, the proper and the improper. We have already stated and shown that the majority of members of that body were moved by class hatred, by a spirit of rapine, and by the most radical conceptions of social change.

Therefore, the land problem in its double aspect received solutions in which iniquity rivalled stupidity.

The now famous Article 27 contained the following provision:

"All proceedings, findings, decisions and all operations of demarcation, concession, com-

position, judgment, compromise, alienation, or auction which may have deprived properties held in common by co-owners, hamlets situated on private property, settlements, congregations, tribes and other settlement organizations still existing *since the law of June 25, 1856*, of the whole or a part of their lands, woods and waters, are declared null and void; all findings, resolutions and operations which may subsequently take place and produce the same effects shall likewise be null and void. Consequently all lands, forests and waters of which the above-mentioned settlements may have been deprived shall be restored to them according to the decree of January 6, 1915, which shall remain in force as a constitutional law. In case the adjudication of lands, by way of restitution, be not legal in the terms of the said decree, which adjudication may have been requested by any of the above entities, those lands shall nevertheless be given to them by way of grant, and they shall in no event fail to receive such as they may need. Only such lands, title to which may have been acquired in the divisions made by virtue of the said law of June 25, 1856, or such as may be held in undisputed ownership for more than ten years are excepted

from the provision of nullity, provided their area does not exceed fifty hectares. Any excess over this area shall be returned to the commune and the owner shall be indemnified. All laws of restitution enacted by virtue of this provision shall be immediately carried into effect by the administrative authorities. Only members of the commune shall have the right to the lands destined to be divided, and the rights to these lands shall be inalienable so long as they remain undivided; the same provision shall govern the right of ownership after the division has been made.

"The exercise of the rights pertaining to the Nation by virtue of this article shall follow judicial process; but as a part of this process and by order of the proper tribunals, which order shall be issued within the maximum period of one month, the administrative authorities shall proceed without delay to the occupation, administration, auction, or sale of the lands and waters in question, together with all their appurtenances, and in no case may the acts of the said authorities be set aside until final sentence is handed down."

All guarantees of stability for vested rights consecrated by the world's institutions are

disavowed by this precept; all acts of the public authorities consummated since June 25, 1856, that is, for half a century, are annulled. The good faith of the acquirer is not respected nor the saving principle of the positive prescription, except for surfaces not exceeding fifty hectares, nor the undeniable canon of res adjudicata. When, in case of expropriations, indemnity is authorized to the owner, no guaranty is given that this indemnity will be in advance and in cash, and, finally special authority to make preliminary examination of all these actions is conferred upon administrative commissions instead of being granted to tribunals.

We already know what the results of this precept have been; agrarian commissions have been formed in each one of the states charged with examining the proceedings for restitution and endowment, and those commissions have sold their judgments to the highest bidder, constituting a rich and inexhaustible fountain of levies and bribes.

"Excelsior," a newspaper of the City of Mexico known for its conservatism and moderation, in its issue of August 18, 1919, states in the following terms that the reformation of the personnel of the agrarian commission was being undertaken:

"In view of precise and conclusive reports which have been supplied us by some persons who have been on local agrarian commissions, established in the various states of the Republic, we can say that the commissions have been responsible for the conflicts which have arisen between them, the people, and the proprietors.

"As a matter of fact, owing to the work of reformation carried out by the President of the National Agrarian Commission, at present there are at the head of the local commissions, decent and undoubtedly honorable people competent to execute the resolutions adopted relative to restitution and settlement of public lands.

"But, formerly, the personnel which formed several of the local agrarian commissions was so useless and corrupt that complaints and protests were received daily by the Department of Agriculture and at length by the President of the Republic until it was finally decided to take radical and energetic measures.

"The evil was general and for that reason we cannot even fix charges against one particular agrarian commission. Many commissioners, without the least scruple, exacted money from people for a favorable decision

whether they were Indians soliciting public lands or land owners who opposed some land division.

"A long time ago we received reports of the corruption which prevailed in the local agrarian commissions, but as we did not at once acquire proofs to substantiate those charges so as to secure the exposure of the offenders, much to our regret we had to wait until we were in possession of precise data.

"The conflicts which arose between the agrarian commissions, the "pueblos" and the land owners were usually as follows: the commissions would refuse to hand down their decisions providing for the restitution or endowment of lands in favor of a soliciting pueblo even though it might be in the right, unless a sum of money large enough to be distributed among the members of the commission were given.

"The corresponding petition would be considered and when a decision was about to be given, one or two of the members of the agrarian commission would appear before the owner of the lands to be divided and to other residents of the claimant pueblos. They would then, in spite of protests from the opponents, give the decision to the side paying the largest sum of money.

"Other corrupt acts were committed, but not like that already mentioned which angered everybody who was aware of it.

"We can mention the former local commissions of the States of Jalisco, Puebla, Tlaxcala, and others where there was greater corruption, to such an extent that the National Commission with the approval of the President of the Republic and the Secretary of Agriculture found it necessary to send inspectors to make a revision of the acts of restitution and endowment of lands with instructions to revoke any resolutions which lacked legality.

"The appointment of inspectors gave very good results according to reports received by us. Due to it, not a few resolutions were revoked on account of illegality and, in general, all the members of the local commissions against whom charges were brought and proved, were relieved of their duties.

"We are informed that the National Agrarian Commission which has charge of the solution of the important agrarian problem was on the point of failing radically at the time that it was decided to take moralizing and energetic measures which, apparently, have given very good results."

The above quoted Article 27 further provides in its last paragraph as follows:

"All contracts and concessions made by former governments *from and after the year 1876* which shall have resulted in the monopoly of lands, waters and natural resources of the Nation by a single individual or corporation, are declared subject to revision, and the Executive is authorized to declare those null and void which seriously prejudice the public interest."

This provision is even more outrageous than the preceding, because it sanctions the power of the Executive of the Union—that is, of one official who according to the same constitution is irresponsible—to declare null the transference of property made by legally constituted governments since the year 1876, and, this, without any consideration of the fact that those transferences have been made in strict accordance with the law; in other words, to render them null, it is enough that in the judgment of the President of the Republic they carry a monopoly of land detrimental to public interest.

Exercising this stupendous power, the Federal Executive has already confiscated millions of hectares without the slightest argument of justice or equity.

Where spoliation is an institutional system, there are properly no rights and no law; there is anarchy, and anarchy never is, nor can it be, the foundation for tranquility and prosperity of a country.

Finally, other sections of the quoted article 27 of the Federal Constitution relative to the subdivision of lands, authorize the State Legislature to determine the maximum area which each individual or company may possess, and to fix the terms under which expropriation must be conducted; and on the understanding that its value is not payable in cash, but rather in a minimum term of 20 years, with a maximum annual interest of 5 per cent., and in bonds of a special issue called agrarian.

It would have been natural to have protected from these threatened expropriations those landowners who had shown a progressive and enterprising spirit by starting improvements of importance on their lands; it would also have been prudent to have exempted from expropriation those lands which in the future might be irrigated by their owners. By these means, security would have been given to former investments and an incentive for future ones.

Instead, all landowners are threatened with

being deprived of their property by means of low compensation payable in depreciated agrarian bonds.

The basis for indemnity, in fact, is the assessed value, and this, as we have already seen, is equivalent to barely 25 or 30 per cent. of its real value.

As to the agrarian bonds which may be issued, what value can they have when the Federal Government is in bankruptcy and the bankruptcy of the States is even more overwhelming? The administration ends annually with a deficit in spite of the fact that it leaves undischarged several important civil services and does not pay one single cent of interest on the recognized national debt. And the States are in need of constant loans from the Federal Government in order to pay but *half* of their most pressing expenses. According to official data of the Department of the Treasury, the following are the amounts owed to the Federal Government by the various states for loans which, in general, date from the 1st of May, 1917, to the 31st of December, 1918, and which represent on an average 20 per cent. of the total annual revenue of the said states:

Chihuahua	$118,774.83
Coahuila	110,947.88
Colima	67,152.05
Durango	29,983.21
Guanajuato	39,748.20
Guerrero	95,171.60
Jalisco	410,631.96
Mexico	92,994.25
Michoacan	534,963.12
Oaxaca	149,020.70
Puebla	126,458.50
Queretaro	124,674.21
San Luis Potosi	553,874.38
Sinaloa	146,140.38
Sonora	224,096.02
Tlaxcala	51,168.20
Zacatecas	143,366.06

Various State Legislatures have already begun to carry out their laws of apportionment, and, as was to be feared, the expropriations are being directed against those very enterprises which have already made a considerable investment in works of irrigation and improvement.

With such a menace, who will dare in the future to undertake new enterprises, to contribute new capital, to convert waste and barren lands into real and positive founts of production and wealth?

Rural property has already suffered serious exactions, and continues to be threatened on all sides by mortal dangers.

Mexican landowners, if they are utilitarians or fainthearted, give in to convenience or terror and barter their rights at the price of bribes; if they are manly of spirit, they prefer to fight rather than become the accomplices of corruption; and all seize the opportunity of selling their possessions even for ridiculous amounts.

Those who feel least insecure are foreigners who have the diplomatic protection of their governments. After each offense, there follows an international remonstrance, a bitter dispute, a protest and the cloud of threatened intervention comes nearer and becomes blacker each day.

In the same proportion that cautious foreigners refrain from investing more capital, speculators are on the hunt for cheap estates; the business, to them, is a game of poker in which they have the winning hand; they buy and buy lands at insignificant prices and in amounts that cannot but cause alarm.

In that way, the industry of agriculture is dragged on the ground, serious and enterprising capital flees, corruption and poverty in the administration corrode the innermost recesses of society, our land is passing into the hands of foreign stock gamblers, the

national conscience finds no peace, the international situation darkens, and order and progress are longed for futilely.

In the agrarian problem, as in almost all others, the constitution of Queretaro, instead of being constructive, just, and useful, is contrary to law, dissolvent and destructive.

As we have already said, it is not a national work, it is abortive, Bolshevik.

CHAPTER XIV

Whatever tends to throttle the economic liberty is an impediment in the way of, if not an absolute hindrance to, material progress. For that reason the Constitution of 1857 condemned explicitly all monopolies and prohibitions which, professing to protect industry, had in former years contributed to the misery of the masses while benefiting a small privileged minority.

But there is no doubt that apart from the evils of monopolies protected by the coaction of the State, the increasing development of modern capitalism gives rise to similar ills, such as combinations and syndicates, which artificially limit the production or the supply of articles of prime necessity, or lessen the facilities disposable for their transportation with the deliberate object of obtaining excessive profits.

Industrial and commercial liberty is a desirable institution inasmuch as, leading to open competition, it directs capital and labor towards the most remunerative enterprises

and thus there is maintained an equilibrium in the production and distribution of wealth, and the discovery and exploitation of unknown energies of nature is favored.

But when free competition is destroyed in the name of such liberty; when rather than enlarge the output of material commodities it is used to increase artificially their cost for the benefit of a few; when it is turned into an instrument of wicked slavery and becomes a cause of impoverishment, it ceases to be a social institution and becomes actually anti-social.

To the list of prohibitions contained in our old Fundamental Code, the new one very justly adds in its Article 28 the following: "any accumulation or cornering by one or more persons of necessaries for the purpose of bringing about a rise in prices; any act or measure which shall stifle or endeavor to stifle free competition in any production, industry, trade or public service; any agreement or combination of any kind entered into by producers, manufacturers, merchants, common carriers or other public or quasi-public service, to stifle competition and to compel the consumer to pay exorbitant prices; and in general whatever constitutes an unfair and

exclusive advantage in favor of one or more specified person or persons to the detriment of the public in general or of any special class of society."

This change, as it stands, is highly commendable, provided that the danger of official abuse of power is averted by wise laws. But the new Constitution, leaping in this matter, as in others, to the opposite extreme, abolishes the provision for certain tax exemptions formerly made and intended as a stimulus to industry.

It cannot be denied that under the pretext of encouraging the development of the natural resources and industries of the country, the system of franchises under the old regime gave ample and frequent opportunities for favoritism. But the fact is that the few isolated evils were less, infinitely less, than the benefits derived by the country from the adoption of that system.

Is it necessary for us to review the well known economic progress of Mexico during the administration of General Diaz?

The nation, seeking to emerge from its state of economic isolation and atrophy, found no other road open save that of encouraging the investment of foreign capital.

With that end in view, it granted franchises, exempted taxes, and even subsidized certain enterprises. In that way, and only in that way, was it able to secure railroads and erect foundries, open immense mining zones, employ modern metallurgy for working low rate ores, develop and exploit the carboniferous beds on the frontier and the extensive deposits of petroleum along the Gulf of Mexico, promote commercial and agricultural credit, lay the foundations for future Mexican industry, and in general, convert into tangible riches the latent potentialities of the country.

The system of franchises was on the whole beneficial whatever may have been the abuses to which it gave rise in many instances. Therefore, inasmuch as the resources of the country were not fully developed by the end of 1916, and in addition the revolutions had impoverished the nation anew and to the utmost degree, the only rational policy would have been to regulate the system of enfranchisement in such a way that the granting a franchise should always be in accordance with the law, applicable without discrimination, to everybody, other things being equal, and a limited, though reasonable, period for its initiation granted to each industry.

The dangers of abuse having thus been eliminated, the system of lawful franchise would have continued to lend the most powerful assistance to the gigantic work of reconstruction. That its abolition was not inspired by a clear perception of facts, and farsightedness; that it was accomplished only as the result of a blind doctrinarianism or a preconceived desire to destroy everything that existed, is proved by the numberless concessions carrying exemptions from taxes that were granted by the government founded upon the Constitution of Queretaro. (See "Diario Oficial de los Estados Unidos Mexicanos.")

The new constitution does not stop at prohibiting tax exemptions in the future. It also has furnished grounds for the repudiation of exemptions granted by the former governments, notwithstanding that by readopting the provisions of the Constitution of 1857 it confirms the principle of non-retroactivity, which is the basis for the stability of private rights; and in spite of the fact that those franchises were granted by legitimate acts of the federal or state legislatures. In their eagerness to destroy any and every fount and source of the economic development of the

Nation, in their determination to attack capital in every possible form, the Federal as well as the State Governments have availed themselves of Article 28 of the new Constitution to repudiate with impunity exemptions legally granted by previous administrations.

In line with the same principles, the Constitution of 1917 destroys at one blow the charters of the existing banks of issue with the excuse that they wished to establish the so-called "Banco Unico de Emision," a single bank of issue under the control of the Government.

After deep investigations and difficult negotiations with the "Banco Nacional de Mexico," a corporation which at the time enjoyed an exclusive franchise for issuing bank-notes, the administration of General Diaz adopted a system providing for a plurality of banks of issue, and by the banking law of May 19th, 1897, it authorized the establishment in all States of banks of issue upon conditions which guaranteed their firmness and stability. Corporations alone were qualified to do a banking business. Their authorized capital, at least one-half of which must be paid up, was required to be not less

than one million *pesos*.* The value of their notes in circulation could not exceed twice the amount of their metallic reserves, which consisted of the gold and silver stock on hand. The banks were subject to the supervision of the federal government and also to certain restrictions which applied to the nature and extent of their operations. And finally, they were granted certain special judicial facilities to enforce the collection of their loans.

Under the terms of this law, which granted certain exemptions, at the same time making favorable tax rates for the first bank to be established in every State, twenty banks were opened in different parts of the Republic, in addition to the banks known as "Banco Nacional de Mexico," "Banco de Londres," "Banco Minero" and perhaps one or two others.

Those operating in commercial, manufacturing or agricultural centers of importance, undoubtedly lent valuable aid to the progress of those regions and consequently they prospered. Such were, among others, the banks of Yucatan, Vera Cruz, Jalisco, Puebla, Monterey, Durango, Sinaloa, Sonora, and Chihua-

*The minimum authorized capital of the banks, as fixed by the law of 1897, was lower than one million *pesos*, to which sum it was raised by the law of June 19th, 1908. One *peso* is equivalent to fifty cents of American money

hua; others made little progress, while there were one or two which were forced to close their doors or merge with some other bank.

After the monetary reform of 1905 which created the gold standard and at the same time fixed the value of the silver peso, limited its coinage and continued it as legal tender, it was deemed necessary to limit the circulation of fiduciary money. Therefore, after the enactment of the law of May 13th, 1905, which forbade for four years the opening of new banks, the term was extended to the year 1922, by the provisions of a new law dated June 19th, 1908.

Towards the end of 1913 and the beginning of 1914, the Huerta government ordered the banks to take over a considerable portion of the foreign loan which European bankers had not subscribed to. And in order to enable the banks to use their gold and silver reserves for this purpose, it decreed that in the future, bank notes would be accepted as legal tender and the issues could reach three times the value of their metallic reserves, plus the notes of other banks which they might have in their possession.

For some of the banks, that measure was life-saving, as the general crisis in which the

country was involved had affected them and they were not in condition to redeem their notes on presentation. Others would not have been able to take over the loan forced upon them except with the aid of the new franchise. There were only a few that preserved the old proportion between their reserves and the value of their notes in circulation.

The Carrancista faction saw in such a situation the opportunity to seize the bank funds, privately by bribes backed up by threats, and officially by the seizure of them.

On the 4th of January, 1914, before the Carrancista mobs had gained control of the Mexican Republic, and before they had established even the semblance of a government, the First Chief issued his decree number 15 excluding from the legal reserves of the banks the certificates of the "Comision Monetaria," which were redeemable at sight, since, in conformity with the laws of December 22nd, 1905, and May 18th, 1912, they were secured by deposits of gold bullion, foreign gold coins, or silver *pesos*. The decree also excluded from the legal reserves the notes of other banks of issue.

The decree of September 29th, 1915, issued

by the same First Chief, fixed a term of forty-five days in which the aforementioned banking concerns were to readjust the circulation of their notes so that the amount covered by them would not exceed twice that of their metallic reserves.

Finally, by its circular of October 26th, 1915, the Department of Finance created a commission styled "Comision Reguladora e Inspectora de Instituciones de Credito," charged with the investigation of each bank's condition and commissioned to report as to the advisability of allowing them to continue under their present charter. A man who had confessed to, and received sentence for, the embezzlement of funds of the Banco Nacional, was appointed as one of the members of the above commission, and the plundering of banks began.

As in most cases, the reports rendered by the commission were adverse to the banks, prominent Carrancistas and high officials of the administration were waited upon by representatives of the banks, pleaded with, and offered large sums of money. The outcome was that several of the banks were able to ward off their threatened closure.

The "Boletin Financiero," a commercial

publication of the City of Mexico, in its volume covering the months from April, 1915, to December, 1915, publishes the reports of Superintendent Manero, which recommend the forfeiture of the charters of the banks of Coahuila, Guerrero, Hidalgo, Queretaro, Tamaulipas, Jalisco, Aguascalientes, Guanajuato, Morelos and Durango, and the Banco Oriental de Puebla. The same paper states that the banking commission above mentioned has already declared the forfeiture of the charters of the banks of Guerrero, Hidalgo, Queretaro, Coahuila, San Luis Potosi, the Mexican Bank of the Peninsula, the Banco Oriental de Puebla. In the same volume, the Boletin Financiero publishes the reports of superintendent Manero recommending the continuance of the charters of the following banks: Banco Nacional de Mexico, Banco de Londres y Mexico, Banco de Zacatecas, and Banco del Estado de Mexico. It does not state which charters were definitely declared forfeited by the Department of Finance, but according to circulars number 71 and number 72, of September 20th, 1916, published in the third volume of the same bulletin, the Banco Nacional de Mexico, the Banco de Londres y Mexico, and all the State banks except those of

Coahuila and Durango were still in operation on that date, which undoubtedly was due to the fact that no declarations of forfeiture had been enforced. According to reports of the superintendent of banks, the declarations of forfeiture recommended by him were based strictly on the provisions of the decrees of September 29th, 1915. The fact that the charters were still in force at the time of the issuance of the circular, indicates that the decree was not issued with the sincere purpose of having it enforced, but rather with the intention of making it an instrument of extortion and creating an opening for bribery.

The gold vein thus opened up was too valuable not to be exploited. After the lapse of one year, the First Chief issued a new decree which stated that within the term of three months, all banks must reduce the amount covered by their outstanding notes to a sum not exceeding the value of their metallic reserve, under penalty of a forfeiture of their charters and seizure of their assets by special Commissions known as "consejos de Incautacion," in case of failure to comply with the terms of the decree.

The truth of the matter is that the Carrancistas claimed that this action was taken be-

cause the exemptions granted to the banks of issue created hateful monopolies and exclusive privileges. Such an argument was nothing but shameless sophistry.

The banks established in Mexico—with the exception of the Banco Nacional and the Banco de Londres, which were conducted according to prior contracts—had been created by virtue of the banking law, passed in 1897, in conformity with a general basis outlined for that purpose by the Federal Congress. In proof of the assertion that they were not a monopoly, witness the fact that twenty-two banks of issue operated independently; nor did their charters give them exclusive privileges, since according to the law, any persons who could fulfill the required conditions of solvency and security would be able to obtain the respective charter. Moreover, the First Chief's decree of September 29th, 1915, and others previous to it, had recognized *the legality* of the banking law of 1897. Strictly speaking, they could have held as objectionable the laws of 1905 and 1908 above mentioned, which had limited to the already existing banks the franchise as banks of issue and the object of which was to maintain the equilibrium of the monetary system adopted

in 1905; they could also have objected to the regulations of the banking law which allowed the banks special judicial facilities to enforce the collection of their loans, notwithstanding the fact that these facilities had in view the strengthening of the financial status of the banks.

All the decrees of the First Chief were therefore arbitrary. They altered pre-existing laws and thereby impaired vested rights; and furthermore, if the purpose of the First Chief was to abolish privileges which he qualified as exclusive, he should have limited himself to withdrawing from the institutions of credit the special judicial facilities granted them, and to decreeing that in the future new charters would continue to be granted, on equal terms, to all who could comply with the requirements of the law of 1897.

Without considering the legality of his action, in support of which no possible argument could be deduced, the last decree of the First Chief was absurd from the economic point of view. Owing to the unlimited issuance of government fiat money, the silver *pesos* and gold pieces had disappeared and there was in circulation nothing but paper money, which had become very much de-

preciated by that time, and bank notes, which on the average were quoted at something between 30 per cent and 40 per cent of their face value in National gold. Taking those notes off the market, leaving only the paper money, of necessity rendered the monetary crisis more serious. It placed an insurmountable obstacle in the way of the resumption of the more or less paralyzed industries of the country, thereby bringing the poorer classes to want, since the cost of articles of prime necessity had risen with gigantic strides.

However, the *de facto* government troubled itself about everything except what might encourage the work of reconstruction, or, at least, favor conservation of resources. The chief ambition was to get the metallic reserves of the banks in order to meet the needs of the administration, but more particularly so that the insatiable voracity of the military chiefs and political leeches might be satisfied.

Some of the banks were not able, and others probably did not wish to redeem their outstanding notes, as ordered by the First Chief in violation of the terms of their franchises. Therefore, the time allowed them having expired, before they had recalled their surplus notes in circulation, the *de facto* government

proceeded to seize the funds of the banks, resorting to all kinds of violent measures.

In the Presidential message read to Congress September 15th, 1917, which treated of the "pre-constitutional" period, the following is stated:

"The Constitutionalist government, compelled by circumstances, has found it necessary to take from all the banks approximately twenty millions for the affairs of the government."

And in the Presidential message of September 1st, 1918, also presented to Congress, we read as follows: "As is generally known, the pre-constitutional government first, and later the constitutional, took" (that is just the word, took, and took by force), "as a loan from the banks of issue their metallic stock on hand having an approximate value of $54,000,000."

Unofficial data makes the amount larger than that quoted by the First Chief. Excepting those which transferred their funds to the United States before the plunder began, all the banks are at present drained of gold and silver; and we must remember that the amount of this stock in their vaults on March 31st, 1915, according to balances published

in the Boletin Financiero of September 11th, 1915, reached the sum of $85,596,183.01.

In September of 1916, the Secretary of the Treasury, Luis Cabrera, told the American Commissioners in the conferences of New London that the measures taken were "the result of a policy which the Carranza Government felt had been carried on by certain of the Mexican banks to depreciate the government currency, that these banks were in fact the money trust of Mexico, and that the Government was anxious to make these banks more loyal to the purposes for which they were instituted" . . . "These banks", he added, "were the chief agencies used for the depreciation of the paper currency, and this was hostile to the welfare of the country. The Government of Mexico is just contemplating, when these banks close permanently, the establishment of a national banking system similar to that in the United States, the foundation for which already exists in the newly established monetary commission." (Official bulletin published in the Boston Transcript, September 20th, 1916).

The voracity and spirit of destruction of the Carrancista caste called for the demolition of the banks even though there might not be

anything to substitute for them immediately. However, so as to give apparent justification to their plan, they announced their intention of creating the "Banco Unico de Emision" (a single bank of issue).

When the draft of the new Constitution prepared by the First Chief was discussed in Queretaro, the Assistant Secretary of the Treasury proposed that in Article 28 there should be included a clause eliminating once and for all the possibility of the continuance of the existing banks of issue. By this measure the seizures already made were sanctioned; and the plunder of the bank vaults carried on by the pre-constitutional government was included in the category—what mockery!—of constitutional rights.

The minutes of the Assembly of Queretaro reveal how that ignorant and passionate body regarded the problems raised by so far-reaching a question.

The Assistant Secretary of the Treasury regards the theory of a single bank of issue as dogma: "a fact that is not under discussion anywhere," he says, "is, that there should be but one bank of issue because it is a principle adopted many years ago by the science of political economy. In all the more pro-

gressive countries, the principle that there should be but one bank authorized to issue bank notes has been gaining more and more ground from day to day." (Diario de los Debates, Vol. II, p. 368).

From the same so-called dogma, the Assistant Secretary also deduces that "that monopoly should be in the hands of the government from the moment that it is empowered to coin and issue the money of the country." (Diario de los Debates, Vol. II, p. 368).

Naturally, since it is a "dogma," it admits of no discussion. In vain does Congressman Lizardi twice bring to the attention of the Assembly the fact that it has absolutely no preparation for solving the question, that it does not have in its possession the necessary statistical data. (Diario de los Debates, Vol. II, pp. 365, 395).

Congressman Necio, member of the Commission, considers it obvious that the new bank "is going to be formed with money belonging to the Federal Government." (Diario de los Debates, Vol. II, p. 362). Congressman Zavala declares that "statistics relative to economic questions have a very insignificant and doubtful value." (Diario de los Debates, Vol II, p. 392). The Assist-

ant Secretary of the Treasury from his lofty pedestal says, "the intellectual level of this Constituent Congress, if not superior, is not, I think, inferior to that of the Congress which will follow; nor do I think it would be expedient to postpone indefinitely the solution of this problem just because the Chamber is not in condition to solve economic questions, for that would be absurd . . . The Constituent Congress would commit a grave error if it left that question without solution for the next Congress, because undoubtedly the existing banks of issue will attempt to defend their interests at all hazards and to that end will exert vigorous efforts in the next Congress." (Diario de los Debates, Vol. II, p. 368).

To dogma is added passion. On this occasion it is the turn of Congressman Mugica, President of the Reporting Committee, to pour the acrimonious vitriol. "My ideas," he exclaims, "are entirely radical; I do not know whether they are good or bad; my ideas were these: that the government, taking advantage of the law in force, should compel the banks to declare themselves in liquidation, for the reason that it was public and notorious that the strongest banks of the

nation were bankrupt owing to the illegal issues which they had been obliged to make by the government of Huerta; that these banks being in a state of liquidation, bankruptcy would follow necessarily and inevitably; that, in my opinion, the government in order to guarantee private interests ought in that case to assume the outstanding credits of the banks, taking over their assets which were national property mortgaged in their favor, and in this way face the situation. *The banks should have disappeared* at the very moment in which we took the Capital of the Republic . . . Not one of the Congressmen will doubt that as soon as the banks' condition had been strengthened by closing them, as soon as they had redeemed much of the paper issued, they were in condition to wage war against the Constituent Government and they did wage it . . . I see, therefore, in the creation of this bank controlled by the government, a very immediate result: *the death of the rest* of the banks, which are the sworn enemies of the Mexican people; because we have seen all banks operating in the Republic, not alone when they were fighting the Revolution, but also when they favored the landowners, enter into disastrous

operations and cause the ruin of citizens in a few months . . . And are we going to let them stand? No, gentlemen, let us establish at once in the constitution, the Bank of the State, which will benefit the Nation, and which above all, will prevent deals from being hatched by the government officials which might be beneficial to the bankers and detrimental to the Nation. (Applause.)" (Diario de los Debates, Vol. II, pp. 372, 373).

Upon such arguments rested the provisions of Article 28 of the Constitution of Queretaro upon authorizing "the issuing of notes by a single bank, to be controlled by the Federal Government."

And the organization of the "Banco Unico" as provided for in the Carrancista constitution, was outlined in the draft submitted more than two years ago by the Executive of the Federal Congress and which later on had to be withdrawn.

The truth of the matter is that such a bank does not exist because the Government has not the money to establish it; because the Government has not the credit necessary to make its stock marketable; because the Government, which has issued and repudiated more than a billion pesos in paper money,

will feel no scruples against once more upholding such questionable ethics, once the "Banco Unico de Emision" shall have been launched.

If a constructive spirit had prompted the conception of this idea, the best use would have been made of the money, assets and credits of the existing banks so as to reorganize the banking system in the Mexican Republic under a well thought-out plan in accordance with the teachings of the science of political economy, free from all passion and rapacity; those institutions would not have been destroyed before their successors had been created.

But, in this as in almost all other matters, the military caste in control of the Mexican Government has been inspired only by hatred and rapacity and eagerness for destruction.

It is now more than three years since the country has had paper circulation; for three years it has existed with only metallic circulation; the former alone represented in banknotes $227,555,799.75 up to the 31st of March, 1915, and the latter, undoubtedly for the same period, was not less than 80 per cent of that figure.

Now, however, all the transactions of this

extensive country with fifteen million inhabitants can be carried on only with coined money, the stock of which hardly reaches a hundred millions of pesos; money is not to be had for the initiation of new enterprises, nor even to further the continuance or maintenance of those already existing; the rate of interest rises to two, three, and even six per cent. per month on good collateral securities; personal credit has ceased to exist and anaemia affects to a super-acute degree the social body.

CHAPTER XV

Democracy is not in itself an end; its objective is not that all men should participate in public matters; it proclaims the co-operation of the greatest number, as the most effective means of procuring the common welfare with the maximum of intensity and inclusiveness.

Now, then, any one not able to understand party platforms although these may be the very simplest and most elementary in their conception; any one not able to form a judgment upon the fitness of the men who would carry out those platforms, neither has he any interest in public matters nor would his participation in them contribute anything to the social welfare.

In the realm of democracy, if the object of the institutions is taken into consideration, it is necessary for man *to be capable of judging*—even though his judgment does not reach remote causes—in order that he may *deserve* to collaborate in the management of the political affairs of his country.

Public opinion keeps up the vigor of demo-

cratic proceedings because it expresses itself periodically by means of the elections, showing the presence or lack of confidence in the men to whom it has delegated the exercise of sovereignty; but more, very much more, than by this intermittent action, public opinion represents the soul of democracy by its constant and uninterrupted vigilance over the conduct of the officials, now enlightening them, now approving public management, now censuring it according as it satisfies the aims, aspirations and needs of the nation or fails to do so.

When public opinion does not express itself in the elections, but more than that when it fails to make its voice heard at all times with relation to every important act of the administration, the interchange of ideas between the people and their representatives insensibly diminishes; the ties of dependence and responsibility relax by degrees, and, if the silence is prolonged, the government comes to feel independent, irresponsible, infallible, omnipotent.

Democracy then becomes a chimera; autocracy, clad in false garments, is the reality; the government is the master, not the servant; it makes the elections, instead of the elections making it.

The formula of the political equation for obtaining a representative government, the only stable and at the same time progressive one, is very simple: *suffrage must be co-extensive with judgment, in the same way that action is co-relative with the force which moves it.*

Suffrage restricted to the portion of the population able to read and write, regardless of social class or race would, therefore, have been the true solution for the problems of the incipient Mexican democracy.

The electoral machine placed in the hands best prepared to utilize it fitly in the work of social welfare; the civic weapon handed to an active citizen for supporting within the government its convictions; the creation of an open mesocracy conscious of its strength, jealous of its political rights, assiduous in the exercise of these; grouping the aims directing national policy into organized parties with leaders who should be their representatives and not their bosses; strife within the institutions so as to carry through those aims in place of armed strife against the institutions themselves; the influence of the parties, gradually expansive, over the unlearned classes, aimed always at increasing the forces in action; *and, consequently, the interest of the political*

parties to push national education forward; in one word, *potential democracy*, restricted in number, *though entirely open to indefinite growth*, to the incorporation of new collaborators; such would have been the development of the Mexican nation, if, in the matter of suffrage, the institutions had responded to reality.

But our constituents of 1857 embroidered utopian dreams. From man as a social unit they passed to man as a political unit, from the undeniable right of living within the institutions they deduced in favor of the individual the privilege of governing himself; from equality as a condition for individual progress, they rushed even to considering that progress realized; and, imitating the example of other countries of a superior homogeneous culture, of an aptitude already well experimented with in their own government, they proclaimed universal suffrage, and, what is worse, complicated it with the indirect ballot.

The result of this error has been transcendental; its effects were seen from the very moment that, the period of French intervention having terminated and the Empire of Maximilian having fallen, the republican system again operated in principle throughout

the country.

The masses did not rush to the polls, the educated minority went to them; but the government, with all the civil and military personnel at its service, assisted by the local authorities, using the resources and the organization of the administrative machine and taking the greatest possible advantage of the waste of strength involved by the indirect ballot, dominated in the ballot boxes, at the polls, and in the electoral colleges, and the independent party would infallibly lose the elections. Dictatorship or revolution were the only alternatives. Such has been our history.

Parallel with a rational conception of suffrage, freedom of speech and of the press is indispensable. The constituents of 1857 considered that liberty well guaranteed by means of trial by jury against any offenses of the press; but the policy of the Diaz faction suppressed it during the administration of General Gonzalez, and since then the press stopped being the free organ of public opinion, and as a result, this opinion was no longer able to give strength or support to honest and fit officials nor could it be a check to incompetency or corruptness.

Is it possible to cite in favor of the Constitution of Queretaro adequate reforms relative to this matter?

In the Mexican nation there are fundamentally two classes incapable of forming judgments upon public affairs, because they are lacking in knowledge as well as in interest: those who have not yet learned the Spanish language and those who are illiterate.

Neither the one nor the other lives our civilized life; neither the one nor the other understands its workings, the intimate and intricate individual social relations, and the rights and duties of a citizen, of the public power, and its agents. If a pure democracy were possible in modern commonwealths instead of a representative one, would the adherents of universal suffrage consent to having this enormous mass of ignorant people dictate the constitution, draw up the laws, manage the public treasury, outline the course of our agricultural, industrial and commercial development and formulate the canons of our public and private morals?

Any one who proposed so glaring an absurdity would be thought stupid and senseless.

Now the electoral prerogative is nothing but a substitute for the direct exercise of

sovereignty. In the sphere of principles, it is identical; as a matter of fact, although at first thought the elections seem to simplify the process, they do not, for voters must of necessity consider party platforms.

To leave to the individual and uninfluenced judgment of the masses that selection, is not feasible. In the great democracies composed of civilized men, such a system is not in practice, but rather the vote is organized by means of parties.

But the existence of parties implies programs of government and well-defined policies, so that through the election of representatives we again face the same question relating to the direct exercise of sovereignty.

Political parties, when they work with intelligent masses, seek to appeal to reason. When they work with unintelligent masses, they do not seek to convince. It is to their interest to incite passions; demagogy then takes the field.

In view of the fact that at the time the Carrancista faction announced its intention to reform the Constitution of 1857 it gave as a reason the necessity of making its precepts practical and feasible, it should have required as a first condition for the exercise of citizen-

ship a knowledge of the national language and the ability to read and write.

Carranza well knew that without such a restriction, the germs of demagogy or those of dictatorship, nourished by clericalism, would have continued to be cultivated in Mexico under the cloak of democracy; but in this instance, as in all similar instances, during his revolutionary period, it was not patriotic fervor which guided Carranza; it was not the sincere and firm determination to solve once and for all the eternal problems originating in the antithesis between nominalism and realism of institutions, but, rather, to attract to himself the roused populace and insure his next election even though it were by ignoble tricks and misrepresentations.

Carranza acknowledged that "suffrage, being a function essentially collective, inasmuch as it is the indispensable condition for the exercise of sovereignty, should be granted to all the members of the body social *who may understand the interest and the value of that most lofty function.*

"We would, therefore, be justified in concluding that the electoral privilege *should be granted only* to those individuals who may have full consciousness of its lofty end. This

would, naturally, exclude all those who by their ignorance, their carelessness, or indifference, are incapable of discharging this duty worthily, co-operating in a spontaneous and efficient manner with the government of the people, by the people." (Exposition of Motives, joined to the project of the Constitution).

But the same First Chief declared that "as it is the ignorant classes who have suffered most because cruel despotism and insatiable exploitation in all their violence have weighed upon them particularly, it would be, I shall not say a simple inconsequence, but an unpardonable fraud, to take away from them today what they have gained previously.

"The government under my charge, therefore, considers that it would be *impolitic and inopportune* at this moment after a great popular revolution, to restrict the suffrage, exacting for it the one condition which can rationally be required, that is, that all citizens have a sufficient elementary education to recognize the importance of the right to vote and discharge it under conditions fruitful to society." (Ibidem).

And the Reporting Committee in the Assembly of Queretaro, not wishing to fall

behind, asserted that "The defense of the principle of the restriction of suffrage is very wisely made in the report of the First Chief. The moral qualities of the ethnical groups dominating the country by their numbers, justifies the theory of restricted suffrage; but *political reasons* prevent this doctrine from being put into practice at the present time." (Diario de los Debates, Vol. II, p. 559).

In this way did the Assembly of Queretaro with *opportunist* politics allow universal suffrage to stand and with it the seed of autocracy alternating with demagogy.

However, it is but just to state in its favor, that the Constitution of Queretaro, besides endorsing the system of direct suffrage sanctioned since 1912, declares that this prerogative shall be taken away from any remiss or negligent citizen who does not fulfill his civic duties such as reporting to the census office, registering at the polls, enrolling in the National Guard, casting his ballot, discharging his electoral duties and serving on juries.

This innovation, uncensurable in its motives, may be of transcendental good in the future; for if there should be enacted statutes to provide that the suspension of the suffrage

prerogative must continue automatically after the first year referred to by the constitution, so long as the citizen continues at fault or does not seek restoration of his political prerogatives, the end would be that all those who lacked the will or knowledge to reap the benefit of so valuable a prerogative would be eliminated.

Concerning what refers to liberty of the press, the debates in the Assembly of Queretaro showed only a spirit of caste.

When the Reporting Committee proposed in its draft of Article 7 the re-establishment of trial by jury for offenses by the press, the radicals opposed it according to the words of Congressman Calderon, because trial by jury was a "privilege in favor not of the liberal newspaper man, *but rather of the enemies of the Revolution.* The liberal journalist can always count in his favor on the influence of his political party, on the power of the liberal press, and on the writ of "amparo" in order to be successful in any process.

"The useless special jurisdiction of which I speak, is sought only by the reactionaries to assure the impunity of press offenses. The jury, in an environment loyal (hostile?) to constitutionalism, as is the general environ-

ment, is incapable of rendering justice; if it did, it would be stoned to death by the excitable multitude influenced by the opposition press, as has already happened. The perverse journalists, who would form a legion for the aid of this same jury in order to be acquitted, would take advantage of the enormous moral pressure which can weight down the jury." (Diario de los Debates, Vol. I, pp. 582-3).

The Assembly finally defeated that part of Article 7 by the overwhelming majority of 101 votes.

When trial by jury again came up for discussion with the draft of Section VI, Article 20, Marchoro Narvaez summarized the same oppressive standard in the following words: "The present revolution *is not yet popular in Mexico.* The majority of the people are still against the revolution; the higher classes, the middle classes to a great extent, and the old intellectual class, are against the revolution; the working classes of a certain kind, private employees, those who make up the principal part of the middle class are against the revolution; *we are still in the minority.* . . . " " . . .Now, six months after the establishment of the consti-

tutionalist regime, there will be many reactionary newspapers, enemies of the constitutionalist cause. . . . " " . . . And then we shall have no way of repressing them, why? Because the jury will come from those same classes, from those same readers, enemies, reactionaries. From there the jury will be drawn." " . . . And if any newspaper men come to ask for guarantees, I shall tell them, 'wait, journalists, wait, you are not now in the hands of enemies, no one will judge you, no one will censure you. If at some time your efforts are needed to save liberty, do not then come to ask for guarantees; come to offer yourselves as victims, just as the soldier who goes to campaign does not ask to be given a cuirass and to be protected behind a wall; so you, do not ask for the jury, *because now it would be a guaranty only for your very enemies.*" (Ibidem, Vol. II, pp. 71, 72).

If the Assembly finally approved the establishment of the jury system by the scant majority of eighty-four to seventy votes, it was merely because it found no other way of assuring liberty of the press to their political colleagues while at the same time denying it to the opponents of the Carrancista revolution.

After what we have quoted in preceding lines, it will seem strange to no one that the exercise of the vote as well as the freedom of the press should have been and continue to be a privilege of the Carrancista caste to the exclusion of all other social classes.

In the elections for the Presidency, the Federal Congress, Governorships and State Legislatures, no candidates except those of Carrancista affiliations have been allowed to figure nor have any independent political parties been permitted to organize.

There has been rivalry at the polls, but it has always been among members of the same caste. Frequently, this rivalry has moved the crowds to riot and brought about the simultaneous installation of two legislatures and two governors for a single state, as in the case of Tamaulipas, Tlaxcala, Tabasco, and San Luis Potosi. Or again it resulted in impudent mockery of the will of the majority as happened in Nuevo Leon, or in the armed rebellion of one of the contestants, as in Tamaulipas.

In the City of Mexico, independent newspapers have appeared; but with one or two exceptions, they have had to protect themselves with a staff of ex-revolutionary men, and not even this has been of any avail, for

their editors have been victims of outrage. Some newspaper men have been imprisoned by order of the Department of the Interior or the military authorities without form or semblance of a trial.

In the states, independent writers have not enjoyed, nor do they now enjoy, any guarantees. Their liberty and persons are at the mercy of the Governors and of the Military Commanders and heads of garrisons.

Thus, therefore, the Federal Government and that of the States is a government by a caste and not by the people; public opinion exerts no influence whatsoever upon the administration, which, concerned only with the enrichment of its own members, pays absolutely no attention to the interests of the nation.

CHAPTER XVI

THE SO-CALLED Congress of Queretaro was just as obstinate in not providing for institutions which should openly give to the country a government by public opinion, the only dowry of progressive stability, as it was lax in sanctioning a constitutional dictatorship, now granting judicial attributes to the executive, now increasing his legislative and co-legislative powers, or taking liberty of action from the Federal Congress.

In other chapters I have pointed out the series of dangerous prerogatives which Article 27 confers upon the President of the Republic and, in certain cases, upon the Governors of the states in matters which directly affect private property.

Not less contrary to law is the provision of Article 21 which refers to the imposition of fines.

The Constitution of 1857 limited the power of the administration to impose disciplinary fines to the amount of *five hundred pesos*, according to the terms established by law.

The Constitution of 1917 fixes a maximum fine equivalent to one week's wages in favor of the journeyman or day-laborer; for all others, *there is no limit* whatever, and, what is worse, the amount of the fine is entirely at the discretion of the administrative authority, for *it does not require that the maximum amount be fixed by law.*

The Constitution of 1857 condemned the confiscation of property which, historically, has always been the instrument of personal vengeance or covetous plunder since the time of Marius and Sulla. The Constitution of 1917 explicitly declares that the application of the entire property of one person in payment of fines is not confiscation.

An explanation of these amendments having been requested by a member of the Congress of Queretaro, the Reporting Committee replied: "To fix a limit to those penalties, both pecuniary and corporal, is assuredly to bring about a result contrary to that sought by the Committee and which, undoubtedly, is not the one desired by this honorable Committee; because if the pecuniary penalty is limited, then we shall find that the administrative authorities will continue to impose upon the rich the same fine as upon the

poor, upon all that social class which is divided only into two parts, the poor and the rich, because the middle class is but the poor class characterized by its learning and for that reason is not truly poor nor is it as ignorant as the moneyed class thinks it." (Diario de los Debates, Vol. II, p. 111).

But the foregoing is nothing compared to the changes which the Constitution of Queretaro introduced with a view to making a veritable constitutional dictator of the President of the Republic.

It authorized but one annual session of the Federal Congress (Art. 65), while in the former constitution there was provision for two; it provided that in case of disagreement between the two houses upon the premature adjournment of its sessions, it would rest with the executive to settle the dispute (Art. 66); it deprived, not only both houses of Congress but also the permanent committee, of the prerogative conferred upon it by the Constitution of 1857 to call special session, vesting the President of the Republic exclusively with this prerogative, and it forbade the congress in such extra sessions to consider any matters but those specified in the Presidential letter of convocation.

It amplified the co-legislative prerogatives of the executive requiring that in order to pass a law over his vote, a two-thirds majority vote of the members of each house would be necessary. (Art. 72, paragraph c).

It demanded a two-thirds vote of the senate to declare high federal officials guilty of official offenses. (Art. 110).

It repealed the provisions of the old Constitution which made the President of the Republic liable to impeachment for grave violations of the Constitution, as well as for encroachments upon electoral liberty, and thus granted him immunity from such offenses. (Art. 108).

The Assembly of Queretaro went even further: it conferred upon the then First Chief the power to enact laws governing the next elections for president and federal congress with the deliberate purpose and result of excluding from voting or being elected all those who had not given proof of their Carrancista affiliation. (Art. 9 transitory).

And, finally, in transitory Article 15, it authorized the President of the Republic to enact a law defining liability for political crimes committed previously, thus including the acts which gave origin to the government

of Huerta, those supporting that government and the successive secessions experienced by the Carrancista faction from its beginning up to the date of the new Constitution. A baneful law, not only because it vested the above mentioned arbitrary power exclusively in one man, but because of its hideous retroactivity begotten in rancor!

Attempting to somewhat justify such concentration of power in the hands of the executive, the First Chief in his "Exposicion de Motivos" said: "Nor has the other fundamental principle established by the Constitution of 1857 relative to a division of the exercise of public power been carried out and consequently it has been valueless. Such a division, generally speaking, has been merely written in the law; it has never been made effective, for as a matter of fact all powers have been exercised by one person alone, to such a degree that by a series of constantly repeated acts *contempt has been shown for the supreme law, for, without the least scruple, there has been given to the Chief Executive* the power of legislating upon all matters. And thus the functions of the legislative branch of the administration were confined in the past merely to delegating power to the

Executive and approving all acts performed by him in virtue of said power, there having been no record leading to the belief that the Congress would disavow or even take exception to any act of the Executive. (Diario de los Debates, Vol. I, p. 261).

The report of the Committee accepted the theories advanced by the First Chief in the following terms:

"The second committee had left in abeyance the presentation of the report upon Article 49 because the said article made a reference to the 29th, which should first be approved in order that the said article 49 might be considered in its entirety. As Article 29 has already been approved, the Committee will now proceed to report upon the referred-to Article 49.

"This article treats of the division of power, following the theory that the exercise of sovereignty is performed by the people through three powers which are equal among themselves as organs of the same sovereignty —that of the people.

. . . . . .

"This theory of the three powers is essential in our political system: it is the pivot upon which rest all our institutions from merely the

constitutional point of view.

"The same reasons, well known to all, which for centuries have been given for the division of the said powers, imply the *most absolute* prohibition *of the concentration of two of them in a single person. The process of deliberation, discussion, and representation of the various interests of a country in the preparation of its laws*, presupposes a group of representatives to exercise the legislative power, and necessarily prohibits such power from being vested in one individual.

"The last two rules *have one exception*, which applies to cases considered in Article 29, an article which gives to the Executive the power of issuing *a decree* for the establishment of a special penalty or else for the establishment of tribunals, also special, and to proceed according to the demands of the abnormal situations referred to in the said article; in this case also, that of the Article 29, the special tribunals referred to may also be formed for the very prompt and speedy application of the law by authorities auxiliary to the Executive power. And in all these cases, by force of circumstances, two powers are united in the personnel of one power, though subject to the strict terms of Article

29, to the supervision of the Permanent Committee and lasting for a limited time. But the mere possibility that such a necessity may arise, is enough to merit the exception to the general principle formerly established.

"In view of the foregoing, the committee proposes to the honorable Assembly the approval of Article 49 in the following terms:

"Article 49. The supreme power of the federation is divided for its exercise into the Legislative, Executive and Judicial.

"Two or more of those powers shall not be concentrated in one person alone nor in one body, nor shall the Legislative power be intrusted to one individual *except in the case of extraordinary powers given to the Executive of the Union in accordance* with the provisions of Article 29."

The debate took the same course as is shown by the following quotations:

"Congressman Fajardo: I believe, fellow congressmen, that the Congress, that is, the members of the Congress, *do not bring to it the power of delegating its mandate*, or, in other words, of being able to hand over its functions to the Executive Power, whatever may be the circumstances which may present themselves.

"They may allow the Executive certain liberties, they may give him extraordinary powers, but it cannot be permitted, constitutionally speaking, that the Executive be enabled to assume the two powers, and it is a well known fact that there is a division between the powers; that is, that there is one power that legislates and one which executes.

"If we could conceive the Legislative power and the Executive in a single person, it would be the same as sanctioning in the constitution a dictatorship, and that has not been in the mind of any one of us; at any rate, I believe it and for that reason I have taken the floor, just to say in a clear way that I am not in favor of Article 49 and that I shall vote against it, because it states that the Legislative power may be vested in the Executive; I do not favor it *even in the extraordinary cases mentioned in Article 29.*

. . . . . .

Congressman Machorro Narvaez (member of the Commission): . . . "Article 49 is nothing but the logical result of Article 29."

"Now let us see whether in the case of Article 29, already approved, any circumstance can present itself as an argument for

uniting in one person two powers. Article 29 says that the president with the approval of the Congress of the Union, or during its recesses, with the approval of the Permanent Committees, may suspend throughout the country or in a given place, the guaranties which might be obstacles in the way of meeting a situation quickly and easily, etc., and it might happen that the general preventions to which the quoted article refers might consist in legislative measures. In order that it might not be argued in such a case that the rulings made by the president were null because he was not authorized to make them since they did not belong to him *on account of being attributes of the Legislative power*, the exception is made that *in that case he may also dictate general measures of a legislative nature.*" (Diario de los Debates, Vol. II, pp. 343, 344 and following).

Judging from such explicit utterances, and though possibly at the cost of other prerogatives, of the Federal Congress, it at least seemed that the basic principle of the division of powers was victorious and the corrupt practice of delegating legislative powers to the president appeared abolished since no other exception was made save in the case of

a suspension of guarantees because of serious national peril threatening from within or without.

Nothing could be more deceiving! A week after the houses of Congress had been elected, Carranza obtained from them the decree of May 8th, 1917, which delegated to him ample powers for legislating in the department of finance, with the aggravating circumstance that no basis was fixed nor was a time limit placed for their exercise.

For two years has Carranza been issuing decrees relative to import and export, stamp tax, direct and indirect contributions, and, in general, upon all kinds of taxes.

Not satisfied with this, he has invaded the field of civil and mercantile legislation, not included in the extraordinary powers, dictating the laws of moratorium and those relative to the liquidation of banks of issue and commercial banks.

And in the way of usurpations, he has not hesitated to legislate concerning the ownership of petroleum and similar products, determining the manner of acquiring, exploiting or forfeiting them, in spite of the fact that said products should, in accordance with Article 27 of the same Constitution of Queretaro,

have been the object of special organic laws.

Many of these decrees have had an ephemereal life; some have been enforced before becoming known throughout the republic by publication in the official papers; others have been revoked before they went into effect, and not a few have had as their object the favoring of some personage or other of the administration, or have served as an instrument of coaction for the benefit of the favorites of Carranza who would obtain shameful gratuities as a price for final repeal.

The use of these extraordinary powers has been so infamous, expensive, and immoral, that, finally, the Chamber of Deputies, now estranged from Carranza through the approaching presidential elections, proposed last October that those powers be abrogated.

The Department of the Interior then turned to the cabinet minority and during various consecutive sessions succeeded in getting the said majority, in open violation of the express regulations of Congress, to absent itself from the sessions with a view to breaking the quorum each time the said law was to be voted upon.

The official declaration of the Secretary of the Interior says thus:

"To break a quorum when the minority knows beforehand that its arguments will be ignored, *is a legitimate resort*, because the resolutions of the Assemblies should not indicate the exclusive preponderance of number as number, but as the rational sum of convictions derived from study."(sic). "The democratic conception of majorities, far from depending upon blind domination, is founded upon the predominance of the minds which have discerned the pro and con of a question, and *subject only to this logical and rational standard the minority is bound to submit to the resolution of the majority*. Otherwise, the progress of civilization would be checked and fall into the primitive state where sheer force rules. If the matter under discussion is a simple defense within the same judgment, the minority exercises its right, its action becomes patriotic, highly moral and life-saving when it discusses such a theme as extraordinary powers in finance, vital to the country." ("El Universal," Mexico, Oct. 16, 1919).

General Pablo Gonzalez—Carranza's right-hand-man—whose duties are exclusively those of a leader in command of forces, when interviewed, declared to the reporter of "Ex-

celsior" (a conservative newspaper of Mexico City) that in case the conflict between the minority and the majority should assume dangerous proportions, "he would order the doors of the Chamber of Deputies to be closed." (Edition of the 22nd of Oct, 1919). It is true that the speaker, frightened by his own words retracted them the following day, but his letter of rectification, signed by him and published in the metropolitan papers of the 24th of October, accuses him instead of absolving him.

Carranza has not yet made use of the power given to him by the Constitution of Queretaro to fix the responsibilities of, and the penalties to be imposed on, supporters of former administrations or factions hostile to the Carrancistas, but this negligence has been through calculation and not through benevolence or magnanimity.

Under the pretext that the said law has not yet been formulated, the government holds in exile thousands of individuals, whose only crime is that of not agreeing with Carrancista ideas, and before permitting the return of this or that person, it exacts from him *the solemn promise that he will not interfere in politics.*

Under the same pretext, the government continues in the illegal possession of the property of the exiles, although no law nor any judicial authority whatsoever has sanctioned the occupation.

Bolshevik, therefore, is the Carrancista constitution, Bolshevik is the Carrancista government, because they are the constitution and government of a caste—the armed caste of the lowest social order—without any national constructive inspiration, dominated by an appetite and a thirst for riches for its own members and by a hatred or contempt for all others.

CHAPTER XVI

THINKING AMERICANS frequently have asked how it is possible that the constitution and the Bolshevik government which have oppressed the Mexican people during the last few years could be imposed upon fifteen million inhabitants by a handful of adventurers.

It is not an extraordinary occurrence in the United States for two bandits, revolvers in hand, to hold up a train, rob the express, oblige several hundred passengers to throw up their hands, and strip them of their money and valuables without meeting any resistance from the victims. Such, on a large scale, is the case of Mexico.

But, comes the reply, in train hold-ups the passengers are taken by surprise, they either have no arms or no opportunity to use them, and when the choice comes between life and property they prefer to give up the latter. In Mexico, on the contrary, it may be said that the people have now for five long years submitted to oppression and have had sufficient time to recover from the surprise and arm themselves.

Time, yes; but not opportunity. During that long term of five years, outside of the United States, there has been no country from which a supply of arms and munitions could be obtained. The proclamations of the American Government purported to maintain the neutrality of the country. However, they have resulted in arming to the teeth the Carrancista caste and leaving the rest of the Mexican people helpless.

The erroneous conception which the head of the American Government has had of the Mexican problems, and the still more erroneous idea that the said problems could be solved by means of intervention, have contributed to this strange and inexplicable state of affairs.

General discontent and a spirit of revolt throughout the country at the beginning of 1913 gave warning that the Madero regime, lacking prestige, unfaithful to its principles, and undermined by anarchy within was about to fall, because the governing class had opened a gulf between itself and the governed.

Neither the revolt of Tacubaya nor the treachery of Huerta to the Madero government was the direct cause of this collapse; they merely hastened it.

The American Government was well informed of the above facts through the letters and telegrams of its ambassador, Henry Lane Wilson, which were published in part during the months of August and September, 1916. In his correspondence the ambassador made it plain that political and economic conditions in Mexico were day by day changing from bad to worse, for which reason American battleships were sent to ports on the Gulf of Mexico, notably Vera Cruz. He further reported that during the ten days of strife in the city of Mexico resulting from the Revolt of Tacubaya, the Diplomatic Corps had met and decided that, for the sake of peace, the resignation of President Madero should be requested, his government being hopeless; that the Spanish Minister had been appointed to approach Madero and endeavor to convince him of the desirability of his resignation and that of the Vice-President; that when Huerta put both officials in prison, he, the American Ambassador, had invited Huerta and Felix Diaz, chief of the rebels, to meet with him in the Embassy building, for the purpose of agreeing upon a plan for the organization of a *provisional government* to take charge of the situation, and in a short time issue a call for

presidential elections with a view to returning to a normal elective government, as otherwise the American Government would consider itself compelled to take drastic measures. Mr. Wilson also stated that Huerta and Diaz had agreed that the former, with the sanction of the Federal Congress and in the manner provided by the Constitution, would assume the provisional presidency, would undertake the immediate pacification of the country, and would issue a call for presidential elections. As there was no confidence that Huerta would keep his word, a group of independent men, none of whom were followers of Huerta, nor even sympathizers of his, was appointed to form his cabinet.

The American Ambassador gave his promise that if the provisional government were organized in the agreed form, it would obtain the recognition of the United States.

President Madero and Vice-President Suarez presented their resignations which, in accordance with the provisions of the Constitution, were accepted almost unanimously, there being only five votes against it, and it is worthy of note that the majority of the members of the said body were Maderistas.

The Secretary of Foreign Relations, also following the form fixed by the Constitution, assumed the duties of First Magistrate, appointed Huerta as Secretary of the Interior and then presented his own resignation. This resignation having been likewise accepted by Congress, Huerta took his oath as Provisional President before the said Assembly and with its sanction.

Intellectual people, as well as the genuine concensus of opinion, looked with favor upon the new order of things, for the nation was surfeited with anarchy and unrest and felt confident that with the cabinet chosen, the government would be able to restore tranquility, it being understood that a call for new elections would be issued.

The Supreme Court of Justice recognized the constitutionality of the new government; all the states of the republic, with the exception of Sonora and Coahuila, the governors of which rose in arms, proclaimed their loyalty to it.

As far as Sonora is concerned, however, it is well to quote the following significant words pronounced at the Carrancista convention in Mexico on the 5th of October, 1914, by Alvaro

Obregon, the most widely known of the Sonora rebels: "Our revolutionary banner says 'consti-tu-tion-al-ism' and our actions affirm the contrary, 'an-ti-con-sti-tu-tion-al-ism.' If, because we are constitutionalists, we were to abide by the constitution, *we should have recognized Huerta, inasmuch as Congress recognized him and we were ordered to do so.*" ("El Liberal," Mexico, Oct. 6, 1914.)

As to the action of the State of Coahuila, its then Governor, Venustiano Carranza, addressed himself officially to the Secretary of the Interior of the Huerta Government manifesting his desire to submit to it. In a telegram sent on the 25th of February, 1913, he says the following: "In order to co-operate in the re-establishment of peace in the Republic and relieve the delicate situation due to existing relations between the Federal Government and that of this state, which might bring about a conflict, I take the liberty of proposing a conference by telegraph on the day and hour that you may assign."

So general was this state of mind, that Luis Cabrera, radical Maderista, and today Secretary of Finance to Carranza, addressed a letter from New York on the 5th of March, 1913, to "El Imparcial" of Mexico for publi-

tion, in which he says: "I believe that the personalistic elements of the Maderista faction should cease in their resistance, for it is a useless effort since the deaths of Francisco I. Madero and Jose Maria Pino Suarez. The 'renovadores,'* who were never personalistic, ought, with greater reason, to accept the deeds accomplished without trying to improve upon them, taking the present situation as the point of departure *for their future labors within the paths of constitutionalism* procuring the prompt re-establishment of liberties, but abstaining from action until acquainted *with the political programs of the new men* concerning the administration of justice, municipal autonomy, military recruiting, agrarian reforms, and all other new ideals."

It is not, therefore, out of the way to assert that had the American Government recognized Huerta as *provisional president*, with the understanding that the election of a permanent president would take place in a very short time, the revolution would have died in its infancy. Then, under the combined pressure and action of all the live forces of the country, Huerta would have had to call elec-

*The Maderista group in Congress.

tions, and law and order would have been re-established in a short period.

But, upon entering the White House, the new American president Woodrow Wilson, adopted a radical policy opposed to that warranted by circumstances; he usurped the right to intervene in the domestic affairs of Mexico, and resolved to try out his political ideals there.

His ideals — if we are to accept literally all that he has said and to ignore the deviations shown in respect to Peru, Santo Domingo, Haiti and even Mexico — were summed up in his hope of seeing the sovereignty of the people realized in all the nations of the world because a "just government rests always upon the consent of the governed and upon the public conscience and approval." (Circular telegram of March 12, 1913, addressed by the Department of State in Washington to all the Latin-American nations). By "people" he understood not exactly "those above," but rather the "lower layer," for he claimed that not one instance could be cited "in all the history of the world where liberty was handed down from above" and "liberty always is attained by the forces working below, underneath, by the great movement of

the people." (Interview given by President Wilson to the "Saturday Evening Post" on the 23rd of May, 1914). He firmly believed "that when a government proves unsuitable to the life of the people under it, they have a right to alter or abolish it in any way that they please." (Speech of President Wilson delivered in Columbus, Ohio, on the 11th of December, 1915); and the United States, "the champions of free government and national sovereignty in both continents of this hemisphere" (speech of President Wilson delivered at the Waldorf Hotel, New York, on the 26th of January, 1915) "can have no sympathy with those who seek to seize the power of the government to advance their own personal interests or ambitions." (Circular telegram above cited).

And speaking more concretely of the causes and origin of the Mexican problem, Wilson himself adds: "The economic development of Mexico has so far been accomplished by such 'concessions' and by the exploitation of the fertile lands of the republic by a very small number of owners who have accumulated under one title hundreds of thousands of acres . . . and reduced the population to a sort of peonage." (Interview with President

Wilson published in The Ladies Home Journal, October, 1916). He further said: "No one asks for order, because order will help the masses of the people to get a portion of their rights and of their land; but all demand it so that the great owners of property, the overlords, the hidalgos, the men who have exploited that rich country for their own selfish interests, shall be able to continue their processes undisturbed." . . . (Aforementioned. interview of May 23, 1914); "*eighty-five per cent of the Mexican people have never been allowed to have any genuine participation in their own government* or to esercise any substantial rights with regard to the very land they live upon. All the rights that men most desire have been exercised by the other fifteen per cent.;" (Address of President Wilson delivered at Independence Hall, July 4, 1914); those who demand order "want . . . the old order; but . . . the old order is dead." President Wilson in his own words declared his task to be "to aid in composing those differences so far as I may be able, that the new order, which will have its foundation on human liberty and human rights, shall prevail" and "those in *de facto* control of the government (Huerta) *must be relieved* of that control before

Mexico can realize her manifest destiny." (Above-mentioned interview in the Saturday Evening Post); "and then, when the end comes, we shall hope to see constitutional order restored in distressed Mexico by the concert and energy of such of her leaders (the Carrancistas) as prefer the liberty of their people to their own ambitions." (Presidential Message to the United States Congress, December 2, 1913).

In the result of such a social experiment President Wilson has nothing to be proud of.

He intended to have the political power of Mexico vested in the will of the governed and to banish forever governments depending upon force; but the Carrancista faction has neither admitted suffrage beyond its own ranks, nor has it stood except for the 100,000 "hoplites" that devour four-fifths of all the federal revenue.

President Wilson wishes to suppress the oligarchy of the former governing classes and transfer public affairs to the eighty per cent. of laborers and illiterates; but under his patronage the basest of ochlocracies, something less than one per cent. of the whole nation, has taken possession of the government to the systematic exclusion of all other

social classes, educated or illiterate, rich or poor.

President Wilson determined to try out south of the Bravo a utopian democracy and establish it among sub-civilized multitudes; but, instead, he has seen enthroned the absolutism of one man in whose irresponsible hands the neo-constitution places the property of the governed, and to whom the members of his caste, against the canons of that neo-constitution, have delivered the legislative power and with it the power, not recognized in any democracy, of creating and readjusting taxes without the consent of the community; an autocracy which, limitless in its capacity for evil doing, has been impotent in preventing it in the twenty-eight satrapies of the States, cut by the same pattern.

President Wilson intended to establish the reign of equality, of justice, and of liberty, vesting the government in the hands of the armed citizens; but he succeeded only in creating two castes: that of the upstart rulers —murderers, abductors and thieves from the penitentiary — and that of the pariahs; the latter, exposed to all kinds of attacks and humiliations, the former vested with all rights and prerogatives. For each act of oppression,

each plunder, each injustice in the past, Wilson, indifferent, has watched a thousand outrages, a thousand spoliations, a thousand iniquities, taking place under the rule of his protege.

President Wilson dreamt of bringing about the happiness of the destitute classes, and of creating a new Mexico, but he has succeeded only in allowing Carranzaism to submerge them in misery, abjection and ignorance, and carry on without respite or rest the destruction of every particle of culture and progress which the country had achieved.

But the most unbiased commentary which could possibly be made on the Mexican policy of Woodrow Wilson, President, is the criticism written by Woodrow Wilson, historian, relative to the period which followed the emancipation of the slaves at the end of the Civil War in the United States.

For the sake of impartiality, the length of the quotation will be pardoned.

The Historian Wilson speaks as follows:

"Negroes constituted the majority of their electorates; but political power gave them no advantage of their own. Adventurers swarmed out of the North to cozen, beguile, and use them. These men, mere 'carpet baggers' for

the most part, who brought nothing with them, and had nothing to bring, but a change of clothing and their wits, became the new masters of the blacks. They gained the confidence of the negroes, obtained for themselves the more lucrative offices, and lived upon the public treasury, public contracts, and their easy control of affairs. For the negroes there was nothing but occasional allotments of abandoned or forfeited land, the pay of petty offices, a *per diem* allowance as members of the conventions and the state legislatures which their new masters made business for, or the wages of servants in the various offices of the administration. Their ignorance and credulity made them easy dupes. A petty favor, a slender stipend, a trifling perquisite, a bit of poor land, a piece of money satisfied or silenced them. It was enough, for the rest, to play upon their passions: they were easily taught to hate the men who had once held them in slavery, and to follow blindly the political party which had brought on the war of their emancipation.

"There were soon lands enough and to spare out of which to make small gifts to them without sacrifice of gain on the part of

their new masters . . . Enormous debts were piled up to satisfy the adventurers.

"Where the new rulers acted with less assurance and immunity or with smaller resources at hand, debts grew more slowly, but the methods of spoliation were everywhere much the same; and with the rise of debts went always the disappearance of all assets wherewith to pay them. Treasuries were swept clean. . . .

"The real figures of the ruin wrought no men could get at. It was not to be expressed in state taxes or state debts. The increase in the expenditure and indebtedness of counties and towns, of school districts and cities, represented an aggregate greater even than that of the ruinous sums which had drained the treasuries and mortgaged the resources of the governments of the States; and men saw with their own eyes what was going on at their own doors. What was afoot at the capitals of their states they only read of in the newspapers or heard retailed in the gossip of the street, but the affairs of their own villages and country-sides they saw corrupted, mismanaged, made base use of under their very eyes. There the negroes themselves were the office holders, men who could not so much as

write their names and who knew none of the uses of authority except insolence. It was there that the policy of the congressional leaders wrought its perfect work of fear, demoralization, disgust, and social revolution.

"No one who thought justly or tolerantly could think that this veritable overthrow of civilization in the South had been foreseen or desired by the men who had followed Mr. Stevens, and Mr. Waden and Mr. Morton in their policy of rule or ruin. That handful of leaders it was, however, hard to acquit of the charge of knowing and intending the ruinous consequences of what they had planned. They would take counsel of moderation neither from northern men nor from southern. They were proof against both fact and reason in their determination to 'put the White South under the heel of the black South.' They did not know the region with which they were dealing. Northern men who did know it tried to inform them of its character and of the danger and folly of what they were undertaking; but they refused to be informed, did not care to know, were in any case fixed upon the accomplishment of a single object. Their colleagues, their followers, kept, many of them, a cooler mind, a more prudent way of

thought, but could not withstand them. They, too, were ignorant of the South. They saw but a little way into the future, had no means of calculating what the effects of these drastic measures would be upon the life and action of the South, and lacked even the knowledge of mere human nature which might have served them instead of an acquaintance with the actual men they were dealing with. They had not foreseen that to give the suffrage to the negroes and withhold it from the more capable white men would bestow political power, not upon the negroes, but upon the white adventurers, as much the enemies of one race as of the other.

"In that day of passion, indeed, they had not stopped to speculate what the effects would be. Their object had been to give the negro political power in order that he might defend his own rights, as voters everywhere else might defend theirs." (A History of the American People, by Woodrow Wilson, Vol. V, pp. 49, 50).

Is not the parallel overwhelming?

In the American nation at the time of the abolition of slavery, urgently demanded by civilization and humanity, the men of the north, congressional leaders, ignorant of the

slave region, proof against fact and reason, refusing information and advice from their own colleagues and from the white men of the South, had granted suffrage to the negroes on no other basis than their theories concerning self-government. In the Mexican nation, Wilson, the man of the north, the democratic leader, ignorant of the idiosyncracies of his neighbor on the south, proof against fact and reason, deaf to the reports and the advice of his fellow-countrymen and the governing classes of Mexico, had wished to carry the social and economic emancipation of the lowest proletariat, in itself a noble and humanitarian ambition, to the utopian extreme of vesting this eighty per cent of the national population exclusively with the prerogative of political power.

In the South, conscienceless adventurers swarmed to cozen and beguile the negroes. They obtained for themselves the more lucrative offices, emptied the public treasuries, contracted enormous debts, lived upon public contracts, and caused the ruin of the South; and, in order to satisfy and silence the freedmen, they gave them insignificant allotments of land, petty offices in the administration, now and then a paltry favor, and even played

upon their passions, implanting in them a hatred for their former masters. In Mexico, adventurers also swarmed, men without property, without patrimony, enemies to decent dress, and to the short brimmed hat, many of them shirtless and shoeless, criminals from penitentiaries in great numbers took possession of the seats of authority, rifled public, private and religious exchequers, abducted and murdered systematically, destroyed railroads, factories, and plants, and in place of providing bread and work for the eighty per cent of liberated slaves, they harangued the masses and fanned their rancour to white heat.

In the American nation, the leaders of Congress by giving suffrage to the negroes and withholding it from the white men, bestowed the public power, not upon those negroes, but upon the adventurers, as much the enemies of one race as of the other.

President Wilson's Mexican policy aimed at wresting political power from the class then exercising it in order to bestow it, theoretically, upon the eighty per cent of the population which composed the proletariat, a semi-civilized group incapable of governing even their own villages. The result of that policy was, naturally enough, that the newly-

delegated power immediately fell into the hands of unscrupulous adventurers, the leaders of the "armed citizens," who were enemies alike of the former political leaders and the unfortunate people whom it had become their privilege to exploit.

The situation was aggravated by the fact that President Wilson, by recognizing the *de facto* government of Carranza, had opened the way for the band of adventurers who composed that government to lay in a supply of arms and other munitions of war while ninety-nine per cent of the Mexican people were shackeled and rendered defenseless.

President Wilson was admittedly actuated by the best of intentions but it is difficult to believe that he could not have foreseen, at least to some degree, the disastrous results to Mexican civilization which the pursuit of such a policy must inevitably have brought about. The errors which he committed are not, as we have seen, to be charged to a lack of magnanimity. His chief mistake, and it is a magnitudinous one, has consisted in the belief that a better solution of the problems of a people can be worked out by a foreign government than by the people themselves,

Any attempts whatsoever at intervention.

whether they carry out the ideas of President Wilson or are at variance with them, must inevitably bring new and probably greater calamities.

Any future diplomatic intervention, such as have been all previous ones, with one or two accompanying martial demonstrations, will fail through lack of an understanding of the ideals, sentiments, customs, traditions, history, culture, and racial characteristics of the Mexican people and will only succeed in bringing about a loss of prestige by the United States and rendering unpopular the political party which sanctions it.

If armed intervention should at some time come about, to the foregoing evils will be added others of a most serious nature, for national sentiment, stronger than that of any faction, will be aroused, all Latin-America will protest, and it is not to be doubted that the laboring classes of the United States, traditionally discontented, would raise the old cry of capitalistic greed.

Bolshevism in Mexico was a minor force in 1917 — as the Bolshevik Congressman Marchoro Narvaez admitted in the Assembly of Queretaro. Intellectuals, capitalists, heads of industries, employees, the middle class in

general, and a large portion of the laboring classes, were opposed to the faction in power according to the admissions of the same Marchoro Narvaez. At present, the Bolshevik group is even smaller, for it has been deserted by the very few honest leaders it formerly relied upon, and, above all, by the laboring classes of the cities and of the country to whom the sad experience of two and a half years of misery and humiliations has demonstrated that the Carrancista revolution did not sponsor, nor can it sponsor, anything whatsoever of a magnanimous or constructive nature.

We can see, therefore, that many and of great influence are the national elements that seek to uproot Carrancista Bolshevism. They include equally the governing and the governed classes, the only exceptions being the military chiefs and demagogues who occupy prominent places in the federal and state governments and in the army, and who seek only to satisfy their insatiable appetites for riches.

If the caste which today has possession of power in Mexico were to lose the moral and material support of the United States, the Mexican nation would no longer face the

obstacle which has stood in the way of the achievement of its aspirations and, unaided, it could restore the constitution of 1857, accomplish the reforms which the general concensus of opinion considers mandatory as affecting labor, lands, the educational system, the courts and the laws which govern suffrage and could establish a respected, stable and progressive government capable of fulfilling its national and international obligations.

The above conclusions, then, suggest the policy which considerations of expediency, justice and humanity would seem to render it advisable for the United States to follow in its relations with Mexico. It can be summed up in one compound word: non-intervention.

Los Angeles. November 12, 1919.